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Religious Minorities Under Hindu Hegemony

The Political Economy of Secularism in India

by

Badrinath Krishna Rao ©

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Doctor of Philosophy

Department of Sociology

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ABSTRACT

This study tries to understand how the postcolonial state in India has treated its religious minorities since independence (1947-1997) by examining the official policy of secularism which, in the Indian context, stands for 'equal respect for all religions.' I argue that since the 'equal respect' doctrine has a Hindu majoritarian connotation, it is conceptually flawed and is incapable of protecting the interests of the minorities. Instead, I posit that secularism is best viewed from a minority perspective. This approach would accord primacy to safeguarding the interests of the minorities. The judiciary has provided legitimacy to the Hindu interpretation of secularism. And yet, the Hindu nationalists oppose secularism as a doctrine for the 'appeasement' of the minorities. My analysis of the BJP's anti-secular rhetoric proves that, far from being pampered, they are severely disadvantaged. Their pathetic condition is the consequences of five decades of neglect by successive regimes from Nehru to Gujral - a fact proven by the political economy of secularism and development. The postcolonial state, catering to the interests of the dominant proprietary classes, is primarily an instrument of accumulation and legitimation. Its ideologies of secularism and socialism enabled the dominant proprietary classes to pursue their agenda till the early 1970s, when the first crisis of accumulation occurred. Simultaneously, the subaltern classes began agitating for empowerment. The state also came under pressure from the propertied classes to liberalize the economy and facilitate their integration with global capital. To neutralize the subaltern challenge and to legitimize globalization, the state tacitly encouraged Hindu nationalism. By projecting the vision of a strong Hindu nation and by casting the minorities as the chief hurdle to India's progress, Hindu nationalism tries not only to legitimize globalization but also to

subvert the socio-economic demands of the subaltern classes. Thus, the attack on secularism is essentially meant to protect the hegemony of the propertied classes. The minorities should, therefore, shift the terrain of their struggle from non-class issues to socio-economic issues and join hands with other subaltern classes to emancipate themselves from the domination of the propertied classes. Only then will genuine secularism be possible in India.

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Badrinath Rao

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LIST OF ABBREVIATIONS

AASU	All Assam Students Union
AGP	Assam Ganasangram Parishad (Assam Peoples' Struggle Council)
AMU	Aligarh Muslim University
AP	Andhra Pradesh
BJP	Bharatiya Janata Party
CBI	Central Bureau of Investigation
CPI	Communist Party of India
CPI(M)/CPM	Communist Party of India (Marxist)
CPI-ML	Communist Party of India - Marxist Leninist
CrPC	Criminal Procedure Code
CRPF	Central Reserve Police Force
CWC	Congress Working Committee
DIR	Defence of India Rules
DMK	Dravida Munnetra Kahzagam (Dravidian Progressive Front)
FIR	First Information Report
ISI	Inter Services Intelligence
ISS	Islamic Sevak Sangh (Islamic Volunteers Association)
JD	Janata Dal (Peoples Group)
LF	Left Front
MISA	Maintenance of Internal Security Act
MP	Madhya Pradesh

MPLB	Muslim Personal Law Board
NF	National Front
NIC	National Integration Council
OBC	Other Backward Classes
PDS	Public Distribution System
PUCL	Peoples Union of Civil Liberties
PAC	Provincial Armed Constabulary
RAW	Research and Analysis Wing
RSS	Rashtriya Swayamsevak Sangh (National Volunteers Association)
SGPC	Shiromani Gurudwara Prabandhak Committee
SVD	Samyukta Vidhayak Dal (United Legislators Group)
TADA	Terrorist and Disruptive Activities Act
UCC	Uniform Civil Code
UF	United Front
UP	Utter Pradesh
VHP	Viswa Hindu Parishad (World Hindu Council)

Chapter 1

INTRODUCTION

Secularism is one of the basic features of the Constitution. While freedom of religion is guaranteed to all persons in India, from the point of view of the State, the religion, faith or belief of a person is immaterial. To the state, all are equal and are entitled to be treated equally. In matters of State, religion has no place. No political party can simultaneously be a religious party. Politics and religion cannot be mixed. Any State government which pursues unsecular policies or unsecular course of action acts contrary to the Constitutional mandate and renders itself amenable to action under Article 356.[1]

- Justice B. P. Jeevan Reddy

The BJP is committed to the concept of one nation, one people, one culture - our nationalist vision is not merely bound by the geographical or political identity of India, but defined by our ancient cultural heritage. From this belief flows our faith in 'Cultural Nationalism' which is the core of **Hindutva**. That, we believe, is the identity of our ancient nation - **Bharatvarsha**.

......We hold that only by recognising the limitless strength of cultural nationalism, can the nation be moulded. When the BJP joined the movement for the construction of the Shri Rama Mandir in Ayodhya, it was to strengthen just these foundations[2].

- BJP Election Manifesto, 1996

One of the enduring legacies of British Raj in India is the uneasy and, lately, invidious relationship between the Hindus and Muslims. Few, except the naive, thought that the two communities would live in harmony in independent India. Yet, there was a sense of guarded optimism that in the aftermath of the catastrophic partition of the sub-continent on religious lines in 1947, Hindus and Muslims would learn to live amicably. To promote communal amity, the post colonial state in India embraced the policy of secularism, by which it meant that it would treat all religions and their followers with equal respect. Fair and reasonable though it seems, secularism, nevertheless, has become one of the most fiercely contested issues in contemporary India. The frequent recrudescence of Hindu-Muslim riots is symptomatic of its inability to cement the bond between the two communities.

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[1] Article 356 deals with legal remedies in case of the failure of the constitutional machinery in the provinces. Under Article 356, the federal government can dismiss a provincial government and impose President's Rule if it is convinced that the latter cannot uphold the rule of law. In such instances, the President, upon the advice of the federal cabinet, dissolves the provincial legislature or keeps it in suspended animation. In *S. R. Bommai and Others vs. Union of India and Others*, several political parties challenged the constitutional validity of Article 356. The Supreme Court ruled, among other things, that the failure to uphold secularism constitutes a valid ground for clamping President's Rule under Article 356. For details of the Bommai case, see *Judgements Today*, 1994.

[2] Bharatiya Janata Party : For a Strong and Prosperous India. New Delhi : Bharatiya Janata Party, 1996, pp. 15.

The last two decades have witnessed a disturbing escalation of gruesome riots. During the 1980s, around 4000 people were killed in Hindu-Muslim clashes, a figure four times higher than in the 1970s (Hasan, 1988:2469). From the beginning of 1990 till now, both the scale of the riots and their frequency have increased. In late 1992, Hindu nationalists tore down the Babri mosque at Ayodhya in Utter Pradesh claiming that Mughal invaders built it after demolishing a Ram temple that stood in its place. In the nation-wide riots that broke out in the wake of this sacrilege, around 2000 people lost their lives. In January 1993, unprecedented riots erupted in cosmopolitan Bombay in which approximately 550 people died. The worst casualties belonged to the Muslim community. Muslim militants retaliated by blasting 13 bombs simultaneously in different parts of Bombay in March 1993. This time nearly 365 people perished.

Several riots of lesser intensity have followed since then, all pointing to the deep distrust and growing animus between the Hindus and Muslims. Ironically, secularism, which was meant to bridge the gap between the two communities, is at the centre of the widening chasm between them. Both Hindus and Muslims are dissatisfied with secularism. The former find fault with it for fostering a "separatist, minority complex" among the roughly 105 million Muslims; the latter ascribe the riots and their plight to the state's lack of commitment to genuine secularism.

According to Hindu nationalists, a major weakness of the Indian nation-state is that its people are still 'de-nationalized' (Spitz, 1993:252). Since Indians do not consider themselves as one people, they tend to pull in opposite directions and undermine national interests. In other words, India can emerge as a strong nation only when its people develop a strong Hindu identity. What precludes its crystallization is the policy of secularism which promises equal treatment to all religions and their followers. It has allowed the religious minorities to retain their separate identity rooted in their religions and removed their incentive to join the Hindu mainstream. Hindu nationalists allege that the Indian National Congress (Congress henceforth), which has ruled the nation for all but five years since independence, tries to 'appease' the minorities through its 'secular' policies for the sake of garnering their votes. They claim that the minorities, who harbour extra-territorial loyalties, subvert national interests with impunity. Thus, the key to getting rid of India's backwardness is assimilating all its people within a cohesive Hindu identity, a task that requires jettisoning the 'equal respect' policy. Evidently, the minorities contest the Hindu nationalist perspective on the ground that in a multicultural, multi religious society, they should be allowed the freedom to retain their religious identity.

Thus, secularism has become one of the most tantalizing paradoxes of Indian politics. Its supporters and opponents have fought rancorous political battles at the hustings and on the streets. Governments have been formed, others have been dismissed, many have lost their lives, some have lost court cases, all in the name of secularism. It is interesting that in a country as poor as India, where one would expect socio-economic issues to dominate the political discourse, the debate on secularism has come to occupy the centre stage.

Recently, after the parliamentary elections of 1996, political parties were divided along the fault line of secularism. The right wing Bharatiya Janata Party (Indian Peoples' Party, BJP henceforth) and its allies won 194 seats in the Lok Sabha (the lower house of the Indian parliament) and, as the single largest group, were invited to form the government. The BJP led government was in office for barely thirteen days and was forced to resign following its inability to muster the support of 72 members of parliament to get a simple majority in a house of 543 M.Ps. Its failure was unusual because, at that time, in the Lok Sabha there were an unprecedented 28 political parties (some with just one or two M.Ps.) who could be easily suborned. Yet, for the first time in recent history, a party in power could not indulge in what, in the political lexicon of India, is known as 'horse trading.' Not because the moral fibre of the newly elected M.P.s was strong, but because being associated with a 'communal'[3] party like the BJP was considered politically risky and alienating. Also, they feared that if the BJP survived in office, it would perhaps dismantle or dilute the secular policies of the state.

Thirteen national and regional political parties opposed to the BJP joined hands under the umbrella of a United Front (UF) and, with the outside support of the Congress, formed the federal government. The UF, a melange of parties, came together rising above the individual differences of its constituents, supposedly for 'upholding and protecting secularism.' Observers of Indian politics did not fail to notice that except for the communists, all the other parties were as communal and casteist as the BJP with the crucial difference that the latter is rather outspoken about its animus toward secularism. It was not surprising, therefore, when, just 19 months later, some regional parties belonging to the erstwhile UF, jumped ship and lent support to the BJP and its allies after the 1998 general election. Curiously, this time, secularism was not a central issue, apparently, because the BJP had agreed to retain the status quo with respect to controversial issues concerning the minorities.

Equally curious, however, is the case of the BJP. Though it has never disguised its aversion to official secularism--it condemns the policy variously as 'pseudo-secularism,' 'appeasement of minorities' and so on--it still claims to be the advocate of what it calls 'positive secularism' which, in its discourse, stands for 'justice for all and appeasement of none.' Clearly, then, secularism has variant meanings in Indian politics and so when parties claim to uphold or oppose it, they are not necessarily talking about the same thing. Yet, this is one concept at whose altar even those bitterly opposed to it, genuflect.

Why is secularism so important to Indians? At a superficial level, the answer is apparent. India's mind-boggling diversity in terms of its peoples, cultures, religions, languages, regions requires a universally acceptable, equitable policy that will enable people to protect and promote their cultures and still be part of a huge nation. According to a report published by the Anthropological Survey of India, there are "4,599 distinct communities in India and as many as 325 languages in 12 language families with some 24 different scripts"

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[3] 'Communal' and 'communalism' are derogatory expressions in the political jargon of India. Used as a substitute for 'racist', in popular parlance, to be communal is to be overly conscious of one's religious and caste identity. Bipan Chandra, 1984, defines communalism as "the belief that because a group of people follow a particular religion, they have, as a result, common social, political and economic interests."

(quoted in Larson, 1995:11). Besides, India has adherents of virtually all the major religions of the world. Its 105 million strong Muslim population is the third largest in the world, after Indonesia and Pakistan. One can go on and on about the rich mosaic of Indian society. Common sense, therefore, would dictate that a 'multinational state' like India can survive only as a secular democracy and that secularism, officially defined as 'equal respect for all religions,' is the only sensible policy that would weld its myriad peoples.

Unfortunately, the bumpy and conflict ridden trajectory of Indian secularism forces us to recognize that a simple minded formula such as this has not only not worked but also has both estranged some of the most vulnerable sections of society and created widespread resentment. Inadequacies of the state's secularism are evident at all levels, from the most mundane to the profound, as we shall see later.

The terrain on which the battles for and against secularism have been fought is wide and varied. Issues spanning from events of every day life to those questioning the very basis of citizenship of the minorities have figured in the repertoire of this struggle. Can a Muslim Minister for Education in Kerala refuse to light a lamp at the inauguration of a function on a the plea that it is a Hindu practice and so should be eschewed in state sponsored programmes? Does the noted painter M.F. Hussain have the right to paint Saraswati, the Hindu goddess of Learning, in the nude? Should a secular state lay charges on him for offending the sensibilities of the Hindu majority or, should it respect his artistic license to paint whatever he likes? Should a Hindu religious procession be allowed to sing and chant while passing by a mosque? Do muezzins in mosques have the right to use the loudspeaker to call the faithful to prayers at four in the morning? Can a secular state institute a Minorities Commission to safeguard and monitor the interests of the minorities or, should it just have a Human Rights Commission, as the BJP demands, to redress the grievances of *all* individuals and not just the minorities? Should Muslims, Christians, Syrian Catholics and other minorities be allowed to retain their canonical personal laws or should they all be brought within the purview of a uniform civil code? Why should the Muslim majority province of Kashmir have a special status under Article 370 of the Constitution when other provinces do not enjoy this privilege?

Trivial though some of these issues might seem, they have agitated both Hindus and Muslims severely, often resulting in communal riots, arson, looting, and the loss of precious lives. Knee jerk responses in the wake of Hindu-Muslim clashes range from a demand for getting rid of secularism and replacing it with a theocratic Hindu state to the liberal anguish over the state's alleged incompetence in enforcing secular policies.

Common to such reactions is a misapprehension about the nature and role of secularism in a postcolonial, multicultural society like India. Just what does secularism mean in the Indian context? How should the state deal with the religious minorities? Is the 'equal respect' doctrine sufficient for ensuring inter-communal harmony? Or, are we starting from a wrong set of premises and expecting from secularism what it can never accomplish in India? How does one understand the secular track record of the Indian state? Has secularism failed in India, as the BJP alleges? Or, is it a qualified success, as its liberal votaries claim?

Does the troubled legacy of Indian secularism seek to masquerade and/or negotiate certain more fundamental contradictions in Indian society? Plainly speaking, whose agenda does the state's secularism fulfill, since it has not quite succeeded in promoting inter-communal harmony? Scholars, politicians, activists, and the minorities have grappled with these issues and put forth varying perspectives.

THE SCHOLARLY CRITIQUE OF SECULARISM

Since the early 1960s, secularism has engaged the attention of the scholarly community. Smith's work (1963) was the first major study on Indian secularism. He provided a historical overview of the genesis of secularism, its practice and prospects. Smith subscribed to the state's 'equal respect for all religions' thesis and argued that though India was not a secular state, it was in the process of becoming one. Luthera (1965), however, disagreed with Smith because he considered the separation of the church and the state as the defining criterion of secularism. On the basis of this narrow definition, he argued that India was not and could never be a secular state.

Till the mid 1980s, when Hindu communalism began assuming the centre stage in politics, scholars, by and large, had ignored issues concerning secularism. The surge of the BJP and its anti-minority campaign once again rivetted attention on the inadequacies of Indian secularism. The ensuing debate has focussed on the relevance of secularism to the Indian context and its usefulness or lack thereof in stemming the tide of communalism. Broadly speaking, one group of scholars has strongly expressed its reservations about secularism and another has defended the policy and argued for its invigoration. Among the former are scholars like Nandy, Madan, and Tambiah. They adopt an essentialized view of Indian culture and posit the centrality of religion in Indian life.

Of those who argue against secularism and hope for its demise in India, Nandy (1985, 1988, 1991, 1997) is the most vocal. According to him, the militant Hindu nationalist movement of the 1980s, popularly known as *Hindutva* (lit. Hinduness), is an aberration of an otherwise unsullied Hinduism, which he considers as the repository of all virtues. This aberration has arisen because secularism "an import from 19th century Europe into South Asia, has acquired immense potency in the middle class cultures and 'state sectors' of South Asia, thanks to its connection with and response to religion-as-ideology" (1988:179). Nandy faults secularism since he sees it as part of a "set of standardized ideological products and processes" which include development, mega-science, the nation-state, national security, modernity and the like. He accuses the modern state of promoting these 'ideologies'--the products of western science and rationality--and argues that they have all caused more violence and atrocities than Hinduism. Hence, he refuses to distinguish communalism from secularism and asserts that they both arise from the machinations of the same institution: the modern nation state.

The main thrust of Nandy's critique is that so long as India thoughtlessly pursues modernity and deifies the secular state, it is bound to witness large scale violence, communal riots, and other such incidents. He draws inspiration for his thesis from Gandhi's critique of modern civilization that the latter outlined in his Hind Swaraj. The antidote to the 'evils' of secularism, in Nandy's view, lies in the recovery of religious tolerance. He posits that recuperating tolerance "not only means tolerance of religions but also a tolerance that is religious" (1988:192). Such a tolerance rooted in Hindu traditions, which lies "outside the ideological grid of modernity" is, in his view, the only enduring solution to intercommunal discord.

One need not labour too hard to realize that Nandy's romantic and orientalist notions of the 'Hindu' tradition, its putative tolerance and emphasis on intercommunal harmony, are as ahistorical and baseless as his views on secularism and modernity. Since I will analyze the nature and extent of Hindu 'tolerance' in the next chapter, I do not wish to dwell on it at this point. To quickly rebut Nandy's arguments, however, one has to only point out that the tolerance he seeks to recover exists not in the 'Hindu' tradition but in the imaginations of intellectuals inspired by colonial scholarship on Hinduism. For, surely, a tradition that explicitly sanctions and practises untouchability, accords inferior status to women and the lower castes, and privileges Brahmanical knowledge can hardly be called 'tolerant.' A cursory glance at the Hindu tradition should make it clear that it has, if anything, been intolerant not just towards the lower castes but also toward protestant movements within Hinduism. The marginalization of Buddhism in India and the cooption of Jainism and Sikhism by the mainstream Hindu tradition certainly are not examples of 'religious tolerance.'

T. N. Madan (1987; 1993) is another critic of secularism who sees it as a "gift of Christianity," an ideology that "emerged from the dialectic of modern science and Protestantism, not from a simple repudiation of religion and the rise of rationalism" (1987:754). He maintains that it will not work in India because in the Indian tradition, "the secular is encompassed by the sacred" (ibid., p. 753); and also because it does not have any ideological support from the tradition and ideology of the people. Madan also claims that secularism "trivializes religious difference as well as the notion of the unity of religions" (1987:750). It also apparently repudiates the role and legitimacy of religion and so provokes a 'backlash.' Most important, he argues that secularism "really fails to provide guidance for viable political action, for it is not a rooted, full-blooded, and well-thought-out weltanschauung, it is only a stratagem" (1987:750).

Like Nandy, Madan posits that since secularism comes as part of modernization which has itself created inequality, violence, and social problems, it is bound to be fraught with grave consequences. He, however, does not advocate the rejection of secularism but suggests that it must be made "compatible with faith" (ibid., p. 754). Stated differently, what he means is that both religion and secularism must be taken seriously and the former should not be rejected while pursuing the latter for communal and partisan ends. Though he does not provide details of how the state could reconcile religion and secularism, from the tenor of Madan's argument, it is clear that Indian secularism must draw its inspiration from and locate itself within the traditions of Hinduism.

Tambiah (1992) also belongs to the school of academics who maintain that secularism and even the nation-state are 'Western' artifacts that are ill-suited for countries in South Asia.

He points out that the idea of a secular nation state, which confined religion within the private sphere and propounded the concept of citizenship based on equality, emerged from the ideals of the French Revolution and Enlightenment rationalism. It is also linked to the industrial revolution and the rise of capitalism. Capitalist development homogenized the public sphere and, among other things, provided impetus for the creation of a national culture. Thus, the nation-state is inextricably linked with political integration, economic expansion, and cultural homogenization. Tambiah's point is that it would be fallacious to argue that the realization of these features of the Western nation state is a "necessary state in Universal History" (1992:10).

On a related note, he underlines that the Western model of secular nation state is also historically associated with imperialist expansion in the colonies. Thus, on the one hand, the nation-states of Western Europe and the United States followed liberal democracy at home while simultaneously pursuing authoritarian imperialism in the colonies. To accomplish this latter task, they not only used coercion but also 'inferiorized' the cultures of the colonized. The crux of Tambiah's thesis is that this "inferiorization and threat of cultural extinction" has triggered off violent reactions that take the form of Hindu nationalism, Islamic fundamentalism and the like, movements he broadly characterizes as 'ethno-nationalism.'

After gaining independence, the post-colonial states of South Asia pursued the agenda of 'nation-building' with the zeal of their imperialist predecessors. Ethno-nationalist movements, according to Tambiah, arose in resistance to the "over-centralized and hegemonic' states. Furthermore, the escalation of unemployment, the migration of huge masses of people from the rural to urban areas (resulting in overcrowding in cities) tensions, and insecurities together have provided a fertile ground for the emergence of ethno-nationalist movements. Most important, these movements also apparently reflect popular disapproval of Western secularism, which tries to relegate religion to the private domain, because the overwhelming majority of people in South Asia tend to believe that religious values and beliefs should be part and parcel of public life. Having made this point, Tambiah concedes that no viable alternative exists to secularism that can deal with multiple religious communities and their conflicting political aspirations.

The argument that secularism and the nation-state are 'Western' ideologies ill-suited for India makes little sense for a number of reasons. First, the so-called antidote to these maladies, viz., the cultural nationalism of the BJP --with its motto of 'one nation, one culture, one people'-- ironically is also Western in its pedigree and origin. So, if Western inspired secularism has failed in India, then it is very unlikely that the BJP's version of cultural nationalism will succeed. All the scholars discussed above have paid little attention to the viability of the vision of the Hindu nationalist movement.

Moreover, if secularism and the nation-state are to be rejected only because they originated in the West, then, by a similar token, Western science, technology, and culture also must be rejected, something that is neither feasible nor desirable. That secularism, the nation-state, democracy and the like have to be adapted to the unique circumstances of non-Western societies is incontrovertible. But, to bypass this step and argue for jettisoning institutions that have grown roots in different cultures and contexts amounts to complicating matters unnecessarily. As for the argument that the march of modernity has triggered movements of religious revivalism, it is certainly not true in the case of India. If anything, India's transition to modernity has been slow and painful, and in this largely agrarian, semi-feudal land, it has not reached the advanced stage that one finds in Western Europe and North America. Several scholars such as Baber (1996, 1998), Kaviraj (1997), Pantham (1997), and Vanaik (1997) have offered detailed critiques of the arguments of Nandy, Madan and others. Since these issues have been exhaustively discussed in the literature, I shall refrain from rehashing them here.

In contrast to the anti-secularist critique, the leftist and liberal perspectives on secularism have offered more nuanced insights about the importance of secularism. All of them have deplored the dilution of secularism as they see it as the only bulwark against the rising tide of Hindu communalism (Khan, 1987; Mohanty, 1989; Sen, 1993, 1996). Sen (1993, 1996) has rebutted the Hindu nationalist critique of secularism, point by point, and argued that India can survive only if it strengthens its secular traditions. He has stressed the importance of human development and education in vanquishing religious obscurantism. Mohanty (1989) has described the official secularism of the state as 'hegemonic secularism' and argued that it must be replaced with 'democratic secularism.' Genuine, democratic secularism, in his view, is possible only by opposing the hegemony of the Indian state as it is currently constituted and by bringing about a fundamental, democratic transformation.

Scholars have advanced different theses to explain the Hindu right's demand for redefining secularism in the light of its Hindu nationalist ideals. Daniel Gold (1991) has located it in the context of the growing scourge of Hindu fundamentalism. Varshney (1993) sees it as a reaction to two types of nationalisms: secular and separatist nationalisms (the latter in Kashmir, Punjab, and till recently, Assam). While some academics aver that the politics of communal identities is a colonial legacy (Dixit, 1986), others think that since anti-colonial nationalism is now irrelevant, the newly emergent 200 million strong middle classes have jumped to the Hindutva bandwagon in their quest for a new identity (Thapar, 1987). Political economists of development insist that the attempt to redefine secularism is only the 'proximate' cause of the current crisis of the Indian state. They assert that the root of the problem lies in issues of lopsided development, regime decay and so on (Thakur, 1993; Tyabji, 1994). Fox (1990) maintains that the changing Hindu nationalist consciousness must be analyzed in terms of the "changing material conditions and class relations in India since independence."

From my survey of academic literature and the informed media, I have found that researchers have not explored some issues in detail. For instance, the varying meanings of secularism and what it should mean in the Indian context has not received much critical attention. Another area of neglect concerns the crucial role of the judiciary in reading and reinforcing a Hindu majoritarian interpretation of secularism through its numerous verdicts. Since considerable ambiguity exists about the purport, scope, and role of secularism, scholars and activists alike have labelled political parties as secular or anti-secular without serious thought about what they entail in actual terms. Such lack of clarity about the real agenda of political parties and the forces they represent has resulted in erroneous apprehension of the wider political significance of the onslaught against secularism and the minorities. Some parts of the existing literature do tangentially allude to these issues but have not investigated them in a systematic manner. For instance, although scholars have recognized that the vicissitudes of secularism are best understood by analyzing the political economy of development, as far as I know, no researcher has undertaken a detailed study of this sort. Another lacuna of the current scholarship is that most progressive critiques of secularism have zeroed in on the anti-secularists and the ways in which they imperil the stability of the polity, but largely ignored the role of the so-called secularists.

Considering that some aspects of secularism and issues affecting the religious minorities have not been addressed adequately in the literature, in this thesis I propose to study how the postcolonial Indian state has dealt with its religious minorities in the last 50 years (1947-1997). Since secularism -- the doctrine of equal respect for all religions -- forms the lynchpin of the state's policies and programs, I will examine critically both the conceptual issues concerning secularism and the secular track record of the state. As I discussed above, the politics of secularism is best understood in the context of the political economy of development in India. So, my endeavour in this thesis will be to situate the debate on secularism and the acts of omission and commission committed under this policy in the background of the imperatives of elitist development in India.

I have organized my chapters in the following manner. Chapter 2 deals with theoretical issues concerning minority rights. It will also outline the methodology that I have used for this thesis. Chapter 3 will provide conceptual clarifications regarding secularism by going beyond the Neo-Hindu/Brahmanical biases of the current popular understanding of the concept. In this chapter, I argue that claims and promises made in the name of secularism cannot be divorced from the inegalitarian nature of India's long religious, historical, and philosophical traditions. Also, since the rhetoric of secularism arose in the context of the nationalist movement and the spectre of India's vivisection, it must be understood, among other things, mainly as a covenant made with the minorities to protect their interests in independent India. As such India's secular track record must be evaluated by looking at how it has treated its minorities.

Briefly, in chapter 4, I will appraise the legal issues arising from the ambiguities concerning secularism and how the judiciary has resolved them. I will also critique some important verdicts of the Supreme Court in cases pertaining to religion and politics and their far-reaching consequences in two directions: first, reaffirming and providing judicial legitimacy to the neo-Hindu understanding of secularism; and second, abridging the rights and freedom of the minorities enshrined in the Constitution.

Chapter 5 will examine the anti-secular arguments of the Hindu nationalists and argue that, contrary to the BJP's assertion, the minorities suffer from serious socio-economic, cultural, and political disadvantages. Chapters 6, 7, and 8 will critically assess the secular track record of successive governments in the last five decades and will posit that they did not exert themselves to uphold even the limited 'equal respect' doctrine. It will lay bare the superficial, flawed, and tokenistic nature of official secularism. Further, it will reveal how all governments repeatedly ignored their secular obligations to the minorities, failed to protect their lives and properties, and refused to initiate certain non-confrontational measures for their amelioration.

Chapter 9 will try to explain why the state and its institutions have a Hindu majoritarian bias and why they do not care for the minorities. In this chapter, I will examine critically the hegemonic agenda of the state by analyzing the political economy of development since independence. My main argument will be that the state, which is an instrument of primary accumulation, initially used the slogans of secularism and socialism to legitimize its goals. By the late 1960s, capitalist accumulation experienced a crisis and the subaltern classes began struggling for greater empowerment. Secularism and socialism could no longer neutralize their urge for empowerment. Also, accumulation within the domestic economy had reached a plateau. Hence, the state switched over to anti-secularist Hindu nationalism and globalization. Altogether, since the state overwhelmingly promotes the interests of the propertied classes, it has consistently abdicated its responsibilities towards the minorities and the subaltern classes. Chapter 10 will present the main conclusions of this study.

In this thesis, the emphasis of my analysis will be preponderantly on the postcolonial state and its governing elites and not so much on the other actors involved. I have chosen to focus on the state and its managers because, in the post independence period, if any institution/class had the ability to safeguard the rights of the religious minorities, then it was the state and its elites. As is well known, Indians got their independence at great cost. The ghastly partition riots and two centuries of colonial pillage hurt lay Indians more than the elites. The Great Bengal Famine of 1941 in which nearly 3 million people perished, had left the survivors woefully impoverished. Under colonial rule the Indian economy stagnated for several decades resulting in low growth and the perpetuation of penury.[4] In 1947, nearly three fourths of Indians were in the agrarian sector, which was largely feudal in character. According to different estimates, between 48 and 53 percent of the rural population were below the poverty line. The majority of the rural poor were landless and fettered by debts and bondage. Such was the extent of deprivation in 1947 that the average life expectancy was only 29 years. In 1951, merely 18 percent of Indians were literate. Female literacy stood at an abysmal 9 percent. Naturally, illiteracy, poverty, and economic stagnation resulted in low political consciousness. All these factors considerably blunted the revolutionary potential of the subaltern classes and made them amenable to manipulation by the state and its elites. As for the minorities, the stigma of the partition made them suspect in the eyes of the Hindu majority and added to their helplessness.

In these circumstances, the state and its upper caste/class elites, chiefly, were in a position to intervene on behalf of the minorities and the subaltern classes. It does not, therefore, follow that the subaltern classes were totally passive or incapable of political action. All I wish to accentuate is that since independence, the state and the governing elites have wielded greater powers and always claimed to champion the interests of the subaltern classes. It is thus only appropriate that we concentrate on their rhetoric and actions. I must also underscore the fact that no matter how vulnerable and deprived, within the limitations imposed by the system, the subaltern classes have offered meaningful resistance to the agenda of the state and have devised their own ingenious means of living amicably with the minorities. In the interest of keeping this thesis within manageable limits, I have chosen not to focus on their role and activities.

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[4] Raychoudhuri (1996) provides a critical account of the legacy of the British empire in India. I have drawn some of the statistics given above from his work.

Throughout this study, I will use the terms 'Hindu nationalists' and 'the BJP and its allies' synonymously. The moving force behind the Hindu nationalist movement is a self-professed 'cultural body' called the RSS[5] (*Rashtriya Swayamsevak Sangh*, literally translated as the National Volunteer Association). It has raised a huge army of indoctrinated volunteers for furthering its cause. The BJP is the political/parliamentary wing of the RSS. The BJP was formally started in 1980. In its earlier incarnation, it was known as the Bharatiya Jan Sangh (Indian Peoples' Association), Jan Sangh for short.[6] The RSS has also spawned several non-political front organizations that do not directly participate in power politics but function as 'cultural bodies.' Together, the RSS and its front organizations comprise the Sangh *Parivar* i.e., the Sangh family.[7] The largely Maharashtra based Shiv Sena is an ideological kindred of the BJP in that it too espouses militant Hindu nationalism, although it is a recent convert to this cause. In power politics, it is the closest ally of the BJP.

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[5] In the 1920s, the communal discord between the Hindus and Muslims deteriorated considerably. Also, in Maharashtra, Dr. B. R. Ambedkar, a leader of the untouchables, mobilized his people and started demanding preferential treatment for his community from the British rulers. He rejected the Brahmanical hegemony of the upper caste elites in the Congress. Alarmed by these developments, Dr. K. B. Hedgewar founded the RSS at Nagpur in 1925. The primary goal of the RSS is to establish a Hindu state and it seeks to do so by uniting discrete castes and sects of the 'Hindu' community under the leadership of the Brahmins. To accomplish its goal, it demonizes the minorities, particularly the Muslims and Christians. Several judicial commissions of inquiry have indicted the RSS for its role in fomenting communal riots. The federal government led by the Congress imposed a nation-wide ban on the RSS on three occasions: in 1948, 1975, and 1993. Each time, it lifted the ban after a little while and then it was business as usual. It is interesting to note that the assassin of Gandhi had affiliations with the RSS. This body has 1.8 million volunteers in 25,000 branches spread over 18, 800 urban and rural centres (Frykenberg, 1993:242-43). For details about the RSS, its ideology, and its modus operandi, see Embree (1994), Jaffrelot (1995), and Spitz (1993).

[6] For details about the politics of the Jan Sangh and its historical background, see Baxter (1969) and Graham (1993).

[7] The front organizations of the RSS comprising the Sangh family and their membership figures are as follows: 1. BJP (17 million), Akhil Bharatiya Kisan Sangh (All India Farmers Association, 6 million), Akhil Bharatiya Mazdoor Sangh (All India Workers' Association, 4.5 million), Adivasi Kalyan Kendra (Aboriginal Welfare Centre, 2.3 million), Fishermen's Cooperative Societies (2.2 million), Vivekananda Medical Association (1.7 million), Adhyapak Parishad (Teachers' Council, 1.6 million), Vivekananda Kendra (a social welfare body, 1.6 million), Bharatiya Vikas Parishad (Indian Development Council, 1.6 million), Deen Dayal Research Institute (1.7 million), Rashtriya Sevika Samiti (Women's wing of the RSS, 1.8 million), Akhil Bharatiya Vidyarthi Parishad (All India Students Council, 1.8 million), Janata Yuva Morcha (BJP's Youth Front, 1.9 million), Shiksha Bharati (Primary and High School Teachers Association, 2.1 million), and Viswa Hindu Parishad (World Hindu Council, 2.9 million). For details, see *India Today*, Sept. 28, 1998:24.

The terms 'Hinduism' and 'Hindutva' are likely to cause some confusion. In this study, 'Hinduism' always refers to the Brahmanical religion forged by British indologists and orientalist scholars. It is suffused with status quoist Brahmanical values, derived largely from the Sanskrit based textual traditions of the Brahmins. It seeks to legitimize the oppressive caste system through its doctrines of reincarnation, karma and the like. Hindutva[8] is a more militant, political form of Hinduism whose cornerstone is the celebration of the Hindu identity. Briefly stated, its central tenet is that India is a land of Hindus and so anyone who does not consider him/herself first and foremost a Hindu, has no place in the country. Hindutva is an out-and-out political ideology and has little to do with philosophical and doctrinal preoccupations of Hinduism.

The core supporters of Hindutva and the BJP are upper caste Hindus (mainly those belonging to the three twice-born castes), the petit and intermediate bourgeoisie, and the upwardly mobile lower middle class urban intelligentsia. Brahmins predominate the leadership of the BJP and are its ideologues. Lately, to shed its upper caste image and to broaden its social base, the party has accommodated a handful of members from the non-Brahmin agrarian and artisan castes in its upper echelons. Even so, aside from Brahmins, the BJP's top leaders come from the dominant castes in the various provinces. The popular perception of the party is that it is an association of 'Brahmins and shopkeepers.' Till the early 1990s, its sphere of influence was limited to the Hindi speaking 'cow belt' comprising the provinces of north India. Lately, it has made impressive inroads in the southern provinces, particularly in Karnataka and Tamil Nadu. The BJP has only marginal influence in the eastern and north-eastern provinces.

Since the 1980s, the BJP has managed to attract some followers from the subaltern castes and sections of the former untouchables after it embarked on the emotive Ayodhya temple movement. To a large extent, this new support explains its success in electoral politics. The BJP's support among the aborigines, minorities, and the ex-untouchables, however, continues to be minimal.

Lastly, I wish to clarify that throughout this study, I have used the term 'state' to include its apparatuses at all levels: federal, provincial, municipal and so on. The literature on the Indian state is rich, varied, and polemical. Scholars have abundantly analyzed and theorized about the Indian state.[9] As Das (1998) points out, broadly speaking, there are three major perspectives on the state. First, left oriented academics and left-wing parties in India perceive the Indian state as an organ of the class rule of the big bourgeoisie and the landlords.

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[8] For details about the ideology and politics of Hindutva, see Patnaik and Chalam (1996) and Ram-Prasad (1993).

[9] Das (1998) provides a detailed overview of the main theories regarding the Indian state and their merits and drawbacks. I have benefitted from his critique of the competing theories and his formulation of the state.

Second, theorists of the intermediate regime school argue that a coalition comprising rich peasants, the middle class, small capitalists and the administrative and professional elites wields state power. A third, more nuanced perspective holds that a coalition of dominant, proprietary classes consisting of the industrial big bourgeoisie, the rural oligarchy, and the professional elites has control of the state apparatus. It argues that no single group in this coalition is dominant, as is the case in several postcolonial societies, and hence there are serious tensions within it which offers relative autonomy to the state from the competing and conflictual interests.

Each of these theories has its merits and flaws. If one neglects the importance of state elites, the other ignores the crucial role played by the industrial bourgeoisie. The dominant coalition theory comes close to adequately representing the Indian state, although Das faults it for adopting a 'fractionalist approach' which emphasizes the contradictions within the dominant coalition and downplays the complementarities among them, particularly their common interest in protecting and upholding the state because the latter, in turn, protects private property (1998:791-92). In any case, I shall not get into the polemics of the state, its class character, and the relative autonomy it enjoys because that will detract from my main argument regarding secularism and the religious minorities.

For the purpose of my analysis, I adopt the perspective of the dominant coalition theory and posit that the Indian state is essentially a capitalist state, or more specifically, 'a capitalist-landlord, federal-democratic state' (Das, 1998:801). Like any capitalist state, its primary goals are furthering capitalist development and promoting the interests of the propertied elites. The Indian state is fundamentally wedded to its twin objectives of pursuing accumulation and legitimation. It tries to resolve the opposition to its agenda from the subaltern castes and classes by resorting to concessions and suppression.

Two caveats are in order, at this point. First, contrary to the impression one might get from the dominant coalition theory, the subaltern castes and classes do exercise their agency and try to assert their rights. Though the state uses its coercive powers to neutralize their protests, such struggles, nevertheless, underscore the fact that the disadvantaged are not mere passive actors. Second, while adopting the dominant coalition approach, I am aware that it is at best a broad characterization of the Indian state and that there are considerable variations regarding not only its spatiality but also in terms of the ability to intervene on behalf of both the propertied elites and the subaltern classes. In other words, no common set of features normally ascribed to capitalist states can effectively capture or exhaust all the nuances of the Indian state apparatus.

CHAPTER 2

MINORITY RIGHTS IN A MULTICULTURAL CONTEXT: SOME THEORETICAL ISSUES

According to the *World Directory of Minorities*, between 10 and 20 percent of the world's population belongs to one or the other of the thousands of minority groups (Minority Rights Group, 1997:viii). Kymlicka estimates that the world's 184 independent states contain over 600 living language groups and 5,000 ethnic groups (1995:1). Except Iceland and the Koreas, all other countries have varying degrees of ethnic diversity and minority groups. The presence of significant minorities poses the immense challenge of ensuring intercommunal harmony. Furthermore, one has to deal with the intractable question of reconciling their interests and differences with that of the dominant communities.

In terms of sheer variety, minority groups in South Asia and sub Saharan Africa are as diverse as those in parts of the Western hemisphere. In countries of Asia and Africa, for instance, there are myriad minority groups based on race, ethnicity, language, religion, and region. Likewise, in North America, aside from well-recognized minorities like the aborigines and the Francophones in Canada and the Blacks and the Hispanics in the United States, the minority population mainly comprises recent immigrants, visible minorities, and refugees. Even within the majority White population, the extent of ethnic diversity is considerable. In spite of these similarities, there are crucial differences between the minorities in North America and those in the developing world. Though minority rights have come under an eclipse to a certain extent in some countries of the West and, in the case of Canada, sections of the Quebecois community have threatened to secede, the situation of present day minorities in Western democracies bears little resemblance to the parlous plight of their counterparts in the developing world.

And yet, instead of the countries most affected by majority-minority conflicts, the industrialized West has made major contributions to much of the theoretical, philosophical, and political discussions concerning minority rights. Not surprisingly, their debates have centred chiefly on the rights of immigrants and refugees, although the rights of Francophones and the Blacks also figure in their discussions. But again, there are crucial differences when compared to the situation obtaining in plural societies of the East. First, the rights of immigrants and refugees fall under a different category than that of the traditional minorities. Immigrants volitionally uproot themselves from their homeland and settle in a new country. Refugees, by definition, seek 'refuge' in countries that are willing to accept them. While these factors do not diminish the importance of their inalienable rights as distinct cultural communities, what cannot be gainsaid is that the moral legitimacy of their claims often do not carry the same weight as that of other minority groups who have historically belonged to the country. Second, considering that the historical context of each nation is unique, their minorities also have peculiar backgrounds that profoundly affect their political struggle for empowerment.

Let me explain this second point further. The Francophones of Quebec were already a nation at the time of the Confederation (Laxer, 1992). They are a far more homogeneous community than other minority groups and have a well-formed national identity. In fact, they are a minority nation. The Blacks, however, did not go to the United States of their own will; the Americans brought their progenitors as slaves. The history of the Muslim minority in India is quite different from these cases. Their forebears--belonging to various Islamic communities such as Mughals, Turks, Mongols and so on--invaded different parts of what is now the Indian nation around the 11th century AD and settled down in the occupied territories. During their reign of nearly 800 years, to some extent, they forcibly converted the native population. Instances were legion of those confined to the periphery of the caste system and those outside it converting voluntarily either to escape its rigours or for social mobility. Thus, the people now clubbed under the generic rubric of Muslims not only have hybrid ancestry but also some characteristics in common with the Hindu majority. For instance, one finds among Indian Muslims the prevalence of a quaint caste system not sanctioned by Islam. Their rituals, customs, idioms, and language also imbricate considerably with those of the Hindus. Moreover, having lived in India for centuries, their national identity is inseparable from the rest of the Indians. Hindus often have invoked these factors ingeniously to argue for the assimilation of the Muslims within the Hindu community while ignoring the fundamental differences that distinguish them. They claim that asking Muslims to adapt to the Hindu identity is not an encroachment on their rights because they are 'misguided' former Hindus who strayed away from the fold due to historical reasons. Since the Muslims do not subscribe to such assimilationist notions, the BJP describes them as 'outsiders' whose fealty is to their religion, not to their 'nation.'

A crucial factor that determines the fate of the minorities is their location in the nation and their capacity to influence the outcome of elections. Besides, if the minorities control the machinery of the state at the provincial level, then that enables them to operate from a position of strength. Take, for instance, the case of the Francophones. Because they are concentrated in Quebec and because they control a powerful state, the Francophones can use the threat of secession to secure their rights within the Canadian Union. Blacks in America and Muslims in India do not have such options. Their inability to disrupt the integrity of their nations further reinforces their marginality.

Another factor that critically affects majority-minority ties concerns the nature of the state and its governing elites. The Canadian confederation has endured for more than a century and, as a result of several factors, its state has acquired a liberal character. One cannot say a similar thing about the postcolonial Indian state, which is just five decades old. Besides, its lack of concern for the minorities and its illiberality render it unfit for being invoked with more liberal states like Canada and America. As we shall see in subsequent chapters, although the state claims to be secular, it does not respect all religions equally. Its actions and policies regarding minority issues give one the impression that it does not genuinely believe in the sacrosanctity of minority rights. In fact the BJP and its allies also have articulated this position openly and repeatedly.[10] In the face of such categorical assertions, any talk of minority rights on the presumption that all the actors subscribe to them in some shape, form, or manner is simply untenable.

All of these factors point to the limitations of theorizing about minority rights in a general manner. Theorists of minority rights such as Kymlicka,[11] Taylor, and others have postulated their theses mainly in the context of debates on minority rights in liberal democracies such as Canada, the United States, and parts of Europe. They have not dealt with the mind-boggling diversities and chequered histories of developing countries like India, Sri Lanka and so on. And, to be fair to these theorists, they do not claim that their ideas have universal validity. In fact, all of them make it abundantly clear that their discussions are exclusively in the context of liberal, Western democracies. As such, their theories cannot be applied in their entirety to understand the problems of the minorities in the developing countries.

Having noted the limitations of the current debate on minority rights, I must point out that, in general, the philosophical basis of the ideas of Taylor, Kymlicka and others, indeed, have universal validity. As we shall presently see, they have all tried to explain how and why respect for diversity and minority rights matter the world over, from the point of view of political philosophy.

TAYLOR'S THESIS ON THE POLITICS OF 'RECOGNITION'

Writing mainly in the context of debates over the rights of the Francophones in Quebec, and, more generally, about minority rights in the Western political tradition, Taylor (1991, 1992, 1998, 1998a) has made Promethean contributions to our understanding of the importance of respecting social diversity. He not only provided sound philosophical reasons for nurturing multiculturalism but also underscored how it is, at once, inexorable and critical for the survival of plural nation-states. Broadly speaking, Taylor's ideas fall within two categories. First, he explains the role of 'recognition' in the formation of individual and group identity and how withholding it could seriously impair the ability of a community to function with confidence in a diverse and democratic polity. Second, Taylor outlines why the politics of identity has acquired salience the world over and, why the unitarian concept of a homogenizing nation-state is no longer feasible. Let me explore these themes at some length.

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[10] Balraj Madhok, a leading ideologue of the Bharatiya Jan Sangh, the earlier incarnation of the BJP, writes as follows:

> Muslims who have stayed back in truncated Hindustan have the option to migrate to their Islamic haven of Pakistan and Bangladesh if they really want to be governed by Islamic laws...those...who want to stay in India must reorder their loyalties, shed two nation mentality and separatist demands and join the national mainstream unreservedly....Those Muslims who neither want to go to Pakistan nor Indianise themselves and join the national mainstream can live here only as aliens. They will have to be disenfranchised (quoted in Chandoke, 1996:126).

[11] In the introduction to his edited volume titled The Rights of Minority Cultures (1995a), Kymlicka qualifies the scope of his work as follows:

> In focussing on the accommodation of cultural differences, I am taking for granted that a minimal level of tolerance and goodwill exists amongst the various groups within a state. Needless to say, in many parts of the world, minority groups face enormous discrimination and persecution, even genocide or 'ethnic cleansing,' and so are fighting for the minimal set of basic civil and political rights which are at the heart of traditional liberal-democratic theory. For these groups, the sorts of issues addressed here -- like language rights, regional autonomy, or group representation -- may seem like utopian ideals (Kymlicka, 1995a:3).

Since its inception nearly two centuries ago, the nation-state has striven to unify discrete social communities by levelling their differences, homogenizing their identities, and trying to mould them within a uniform, ironclad identity of the dominant community. Needless to say, this task has invariably entailed considerable violence and has incalculably hurt the self-image and interests of the minorities. And yet, the state always has justified its actions by citing the imperative of securing national integrity and social cohesion. Although minorities always have resisted the Procrustean agenda of the nation-state, till the latter half of the 19th century, there was not much appreciation of why the minorities opposed the state's policies and the damage the obliteration of identities could inflict. To Taylor goes the credit of bringing to fore the seminal significance of 'recognition' in the formation of a group's identity. Emphasizing its value, he states:

> The thesis is that our identity is partly shaped by recognition or its absence, often by *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being (1992:25).

Taylor traces the evolution of the notion of 'recognition' to Herder's view about the uniqueness of each individual. In the 18th century, Herder introduced the idea that "each of us has an original way of being human: each person has his or her own 'measure'" (Taylor: 1992:30). Over the years, this concept of being true to oneself has acquired strength and become an inseparable part of modern consciousness. Taylor elucidates its significance by pointing out that "(B)eing true to myself means being true to my own originality, which is something only I can articulate and discover. In articulating it, I am also defining myself" (1992:31). From the individual, this notion of being true to oneself extended to communities and cultures. Hence, there emerged a whole new culture of 'authenticity.'

The quest for 'authenticity' acquired force as democracy developed roots in different parts of the world. As is well known, by positing the equality of all human beings, democracy demolished old social hierarchies. Taylor argues that in this process, it also undermined the sacrosanctity of the concept of 'honor'--which was the *raison d'etre* of the earlier social stratification--and replaced it with 'dignity' (1992:27). As with the idea of authenticity, implicit in the struggle for dignity was the belief that all human beings have self-worth that deserves respect and recognition. Thus, both the ideas of authenticity and dignity that arose from the decline of social hierarchies radically altered the way people and communities perceived themselves.

Since these ideas first became prominent, we have achieved much progress in terms of understanding the mechanics of identity formation and the purposes such identities serve for different communities. Once again, Taylor's astute insights provide a clear sense of how these processes occur. He begins by recognizing that, contrary to a monological ideal that most individuals hold and cherish, a "crucial feature of human life is its fundamentally dialogical character" (1992:32). In other words, we become well-integrated social agents only in and through interaction with our 'significant others.' Starting from this premise, Taylor argues that our identity also emerges from this dialogical process. He explicates its efflorescence as follows:

> We define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us. Even after we outgrow some of these others - our parents, for instance - and they disappear from our lives, the conversation with them continues within us as long as we live.
>
> ...my discovering my identity doesn't mean that I work it out in isolation, but that I negotiate it through dialogue, partly overt, partly internal, with others. That is why the development of an ideal of inwardly generated identity gives new importance to recognition. My own identity crucially depends on my dialogical relations with others (1992:33-34).

Precisely because identities are formed in dialogue with *others* and are shaped by the perceptions of *others*, the politics of authenticity and recognition have gained prominence. The Kurds in Turkey, Iraq, etc., the Tamils in Sri Lanka, the Basques in Spain and France, and the Muslims in India--to mention some examples--are all agitating, among other things, to earn recognition, on the basis of equality and authenticity, for their chosen ways of life. All over the world, minorities have offered stiff resistance to the assimilationist policies of the dominant culture because they now realize that their distinct identity and culture deserve respect and recognition. They are not apologetic about their differences from the dominant culture and do not wish to be evaluated against its norms. The new assertion of the minorities is, essentially, a celebration of difference.

Taylor (1992:42) appositely points out that though the politics of dignity and the politics of difference have revolutionized majority-minority ties, often they appear to be contradictory. Both types of politics arose in the first place by asserting the uniqueness and dignity of each individual and culture. While the former, however, is based on the principle of non-discrimination, the latter makes distinction the mainstay of its doctrine. The politics of dignity demands that the state should treat all social groups in an equitable manner, with no regard for differences of any kind. Per contra, the politics of difference maintains that diversity must be nurtured and respected. Thus, the two types of politics might seem to be working at cross purposes. Invoking the logic of equality, the dominant elites, in several nations, have sought to impose their culture on the minorities, in the name of promoting unity and uniformity. They have also cited the non-discrimination thesis to oppose differential treatment of the minorities. Thus, the BJP in India argues that there is no need for any special rights or institutional arrangements for safeguarding the interests of the minorities. The state should just guarantee human rights for all. Obviously, this perspective conflates equality and uniformity. It wantonly ignores that to promote substantive equality, different social groups have to be treated differently.

The politics of difference seeks to correct such distortion of the principle of equity and dignity. The bedrock of its postulate is that all cultures and communities have equal worth and that their contributions should be equally recognized and allowed to flourish. Furthermore, it points out that withholding recognition is a form of oppression because "we can flourish only to the extent to which we are recognized" (Taylor, 1992:50).

The 'recognition' that minority groups demand primarily requires that their culture should be provided institutional support to grow and thrive. Such support could be in the form of providing official recognition to their languages, giving them resources and funding to run their own language schools, making their languages the medium of instruction in schools, particularly in areas where the minorities are concentrated and so on. Theorists of minority rights have characterized such demands for the institutionalization of their culture variously as a plea for making it a 'societal culture' or a 'pervasive culture' (Kymlicka, 1995; Margalit and Raz, 1990). The main thrust of these demands is to ensure that the cultures of the less powerful groups do not become marginalized.

THE LIBERAL THEORY OF MINORITY RIGHTS

Kymlicka rests his case for promoting the culture of the minorities on the doctrine of liberalism. He argues that the kernel of liberalism is the provision of certain fundamental freedoms to all individuals. Essentially, these freedoms mean the freedom to make meaningful choices in order to lead a 'good life' however that is defined. According to Kymlicka, such choices are possible only when one has access to one's societal culture (1995:84). A societal culture not only provides the choices but also "makes them meaningful to us" (ibid., p. 83).

All communities value their membership in their societal cultures because they provide them with several tangible and imperceptible benefits. Hence, as Connor points out, there is hardly any minority group that has voluntarily assimilated within a mainstream culture (quoted in Kymlicka, 1995:89). Many have resisted strong material inducements and brutal force to renounce their own culture and embrace another.

Like Taylor, Kymlicka (1995:84-93), and, Margalit and Raz (1990:447-449) explain the umbilical connection between culture and a community by highlighting the fact that cultural membership is an integral part of one's identity. They point out that it profoundly influences how others perceive the members of a community and that, in turn, shapes its self-perception. If follows, therefore, that when the majority community pillories a minority culture, it invariably diminishes the self-respect of its members. Another reason why people yearn for cultural membership is because it is based on belonging and not accomplishment (ibid.). In other words, all that one needs to be a member of a societal culture is a sense of belonging. In exchange, it not only provides an abiding framework of meaning but also a sense of security that comes from being part of a well-defined group.

It is only natural for minority groups to display a greater sense of attachment to their societal cultures because, more often than not, they are besieged by the norms, ethos, values, and mores of the dominant culture and have to constantly insulate themselves against direct and disguised forms of cultural absorption. It is crucial, therefore, that the majority community recognizes the symbolic and philosophical significance of the minority culture and makes provision for its development. If, in utter disregard of their sensibilities, it compels the minorities to adopt its hegemonic culture, then it not only asks them to live against the grain of their convictions but also distorts their world view. Minorities who are dragooned to assimilate often survive as deracinated, confused communities, totally maladjusted to society at large. Deprived of their cultural orientation, they become hamstrung and incapable of functioning effectively in the socio-economic, cultural, and political spheres. As Chandoke points out, they lose their sense of self-respect, suffer from alienation, and often resort to aggression to negotiate such abject attitudes (1996:133). Interestingly enough, though they suffer considerable psychological trauma and socio-economic and political handicaps, minorities, nevertheless, resist assimilation into the mainstream culture. The upshot of these insights is the incipient awareness that recognizing the contributions of minority cultures can serve as an enabling mechanism for their voluntary integration into society.

Nevertheless, there is little unanimity about how to accord recognition to the rights of minority cultures, considering the complexities one has to negotiate to evolve a satisfactory mechanism for this purpose. Scholars like Glazer (1995) and Walzer (1995) advocate a 'non-discrimination model' under which the state should adopt a policy of 'benign neglect' toward all communities and restrict its role to upholding universal individual rights and liberties. This model is based on the notion that ethnocultural matters must be restricted to the private sphere and the state should not concern itself with them at all. The doctrine of strict separation between the state and religion, or state and ethnicity, is not a feasible idea in actual practice. As Kymlicka maintains, even when a state claims to be wedded to non-discrimination and cultural neutrality, it is not so because:

> it can and (and often does) systematically privilege the majority nation in certain fundamental ways--for example, the drawing of internal boundaries; the language of schools, courts, and government services; the choice of public holidays; and the division of legislative power between central and local governments. All of these decisions can dramatically reduce the political power and cultural viability of a national minority, while enhancing that of the majority culture (1995:51-52).

Partly because the state institutionalizes the culture of the dominant majority in the name of pursuing neutrality, several scholars, including Kymlicka, advocate special rights for the minorities. They argue that, while group-differentiated rights might seem to be discriminatory and incongruous, they are still essential to remove and compensate for what Rawls calls 'morally arbitrary disadvantages' more so if they are "profound and pervasive and present from birth" (quoted in Kymlicka, 1995:126).

An equally pressing reason for their retention is that group rights promote genuine non-discrimination by addressing the specific disadvantages of the minority communities which are often not covered under universal individual rights. Proponents of liberalism, nevertheless, are wary of collective rights because, as Kymlicka states, liberalism itself emerged, in part, "as a reaction against the way that feudalism defined individuals' political rights and economic opportunities by their group membership" (1995:34).

Regardless of the liberal objection, Kymlicka still sees much merit in promoting minority rights. He stresses the importance of two types of minority rights: those between the rights of a community against its own members and those against other communities in the larger society (ibid., p. 35). Kymlicka maintains that the former intends to protect the group from "the destabilizing impact of internal dissent" while the latter intends to defend the group from "the impact of external decisions" (ibid.).

The debate on whether or not minority groups should have any special rights has attracted much scholarly attention in the recent years. It has crystallized around two positions, variously known as 'individualist and communitarian,' 'universalists and contextualists' and so on. Even those who accept, in principle, that minority groups should be provided special rights have differed on their scope and extent. Thus, Kukathas (1995) argues that minorities must have the right to impose internal restrictions on its members while allowing dissenters the right to exit. But, he rejects their rights for defending the community against the 'external decisions' of the larger society on the ground that the boundaries between groups and communities are fluid and rights against external decisions would not only congeal the perimeter of groups but also affect the politics within them.

In sharp contrast, Johnston (1995) avers that because we have now recognized that cultural membership is crucial for the well-being of a community, it follows that there should be provision for some group rights that will safeguard the interests of the cultural community as a whole, something that individual rights cannot adequately address. Kymlicka similarly defends minority rights by underscoring two 'claims' that he considers valid: "that individual freedom is tied in some important way to membership in one's national group; and that group specific rights can promote equality between the majority and the minority" (1995:52).

In concrete terms, Kymlicka categorizes minority rights under three headings: self-government rights, polyethnic rights, and special representation rights (1995:27). Briefly, self-government rights pertain to the judicious use of federalism and regional autonomy to cater to the aspirations of the minority communities. In the case of India, for instance, it will involve allowing the Muslims of Kashmir greater autonomy to conduct their affairs. Polyethnic rights pertain to such measures as passing legislation to outlaw discrimination against the minorities in all forms. They also include rights that accommodate their differences, particularly those involving cultural and religious matters. One form of polyethnic rights would require the state to enhance the profile of the minority groups by acknowledging their due contributions to the nation's history, culture, politics, and other spheres. The most efficient and enduring means of recognizing minority contributions is making them part of the educational curriculum. Lastly, special representation rights involve reserving seats in representative bodies for members of the minorities. The idea is to ensure that they have a voice in the decision making process.

Aside from the aforementioned rights, Kymlicka also emphasizes the importance of honouring historical agreements and treaties, particularly in those instances where they were the basis for the incorporation of minority groups (1995:116-120). The interpretation of such agreements, he argues, must be grounded firmly in a 'deeper theory of justice' and must be fair and equitable according to contemporary standards. Minority groups often invoke historical agreements to justify their demands for legitimate rights and better treatment. Two problems, however, arise quite often. First, the majority groups often tend to ignore or wilfully misinterpret agreements to their advantage. Second, in instances where the majority and minority communities do not enter into formal written agreements, holding the former responsible to its bounden duty becomes ticklish. Take, for instance, the case of India. On the eve of independence in 1947, the Hindu elites of the Congress assured the Muslims and other minorities that they would secure the latter's interests by pursuing secular, composite nationalism. In practice, however, they reneged on their promise by failing to protect Muslims from the Hindu majoritarian onslaught, as we will see in subsequent chapters. The question, therefore, is how can we hold a state accountable for violating its pledges to minority groups. Though theorists like Rawls do talk about the 'moral' and inviolable nature of such covenants, they have no suggestion for ensuring their implementation. Having recognized these pitfalls, Kymlicka suggests that defending group-differentiated rights solely on the basis of historical agreements will not be effective. A better approach, in his view, would be to simultaneously invoke the equality argument (1995: 120).

From my discussion so far, it is clear that the theory on minority rights has made considerable advances in keeping with the changing circumstances. Aside from promoting democracy, one of the original projects of nationalism was to weld people together within an overarching, homogeneous identity. The serious problems that it encountered and the ineffectiveness of force in resolving them provided a much needed impetus to rethink the fundamentals of the minority question. We now appreciate that recognizing the uniqueness of minority communities and the fact that they too have something worthwhile to contribute is the best way of ensuring their volitional integration into the national mainstream. We also know that the old notion of assimilation never works; in fact, it often boomerangs against the majority community and deepens schisms.

Most important, the experience of colonialism and the relocation of migrants and refugees, driven by globalization, wars, and ethnic cleansing, have provided us two useful insights. First, as Taylor points out (following Frantz Fanon's monumental work, The Wretched of the Earth) it is now well known that those who wish to subjugate a community always impose their own demeaning images of the latter on them (1992:65). Hence, the key to emancipation is disabusing oneself of such humiliating images and struggling for recognition as equals. In tandem with this line of thinking, minorities, the world over, are waging a battle for empowerment and recognition of their self-defined identities.

Second, with the emergence of this new perspective, while discussing the rights of immigrants and traditional minorities like the Francophones, theorists like Kymlicka and Taylor have argued that the majority communities must not only recognize the minorities but also begin to appreciate the significance of 'deep diversity' (Taylor, 1991:76). Kymlicka explains the new approach to social diversity as follows:

> In countries that are both polyethnic and multinational, cultural groups are not only diverse, but they have diverse images of the country as a whole. People not only belong to separate political communities, but also belong in different ways. This means that the members of a polyethnic and multination state must not only respect diversity, but also respect a diversity of approaches to diversity (1995:190).

After making the necessary changes, the gist of this insight can be applied to virtually all countries that have to deal with multicultural communities. Almost all theorists of minority rights unanimously agree that valuing 'deep diversity' and nurturing it in the institutions of the civil society, particularly through education and economic interdependence,[12] is the surest way of promoting national integration.

All of the above might sound impressive in theory. The inevitable question is, if recognition and provision of some group rights, among other things, are all it takes to keep the minorities happy, why, then, are most nations reluctant to adopt this new approach? The horrific conflicts in the former Yugoslavia, the raging battles in Sri Lanka, Kashmir, and elsewhere testify to the fact that, brilliant though the concept of deep diversity is, it is still difficult to implement. Why is this so? Is it solely because the majority communities in most troubled nations are intransigent, or, are there serious obstacles that impede its implementation? Taylor's analysis offers significant clues about the origin and nature of the impediments.

DEMOCRACY AND THE POLITICS OF EXCLUSION

According to Taylor (1998), the greatest resistance to diversity does not come always from a scheming majority community, but is built into the very character of democracy that we cherish so dearly. On the face of it, this observation might seem anomalous, because democracy is an all-encompassing form of government by the people. While conceding that liberal democracy is indeed inclusive, Taylor also brings into bold relief a less noticed fact, viz., that it has a concomitant tendency toward exclusion (1998:146). He points out that since democracy is a government by the people, it requires "a high degree of cohesion."

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[12] Several scholars have pointed out that in those societies where symbiotic civic linkages, particularly economic interdependence, exist between the majority and the minority communities, both communities tend to function amicably. Varshney (1997) has examined Hindu-Muslim relations in two cities with comparable percentage of Hindu and Muslim communities: Lucknow and Hyderabad. He argues that communal tensions are high and frequently erupt in violence in Hyderabad where the two communities are not economically interdependent. In contrast, Lucknow is relatively more peaceful because the Hindus and Muslims there are linked to one another in a web of economic interdependence. Young (1995) makes a more or less similar argument by analyzing the situation in Eastern Europe and New Zealand.

Stated otherwise, this means that democratic societies function well when their people have a "strong collective identity." To attain this objective, free societies try to homogenize their people by casting them all in a single rubric. Such uniformity not only makes governance easy and stable, but also enhances a sense of common identity which, in turn, strengthens social bonds. In this process, however, democratic states also tend to exclude people whose ways of life are different. They try to force their minorities to fall in line with the majoritarian notion of citizenship or face marginalization.

At this juncture, two points need to be emphasized. First, as Taylor states, societies with a "high degree of historic ethnic unity" are less prone to accommodate those who do not conform to their ways of living (1995:145). Second, perhaps because he was discussing the politics of exclusion in the context of societies with high levels of immigration like Canada and the United States, Taylor overlooks the fact that in several societies where the basis for social homogenization is not strong, the state tries to promote uniformity among the discrete groups falling within the matrix of the majority community by presenting the minorities as a threat to their well-being. In some instances, it resorts to this practice in a blatant fashion; in some others, it encourages the demonization of the minorities in a subtle manner. The Indian scenario exemplifies the latter category, as we shall see in subsequent chapters.

The import of Taylor's argument is not that liberal democracies have recourse to only assimilation or exclusion while dealing with the minorities. The leit motif of his thesis is that one should go beyond these two modes of minority relations, particularly because the minorities--whether they are traditional minorities, immigrants, or refugees--are no longer willing to acquiesce in these two equally sterile options. What they are agitating for is a renegotiation of the terms of engagement with the dominant majorities in their societies. To preclude the horrific scenarios of genocide or ethnic cleansing, Taylor pleads that liberal democracies must realize that "people can bond not in spite of their differences, but because of them" (1998:153). On a related note, one must acknowledge that a modicum of assimilation is inevitable and is not likely to hurt the interests of the minorities, provided there is a broad consensus about amicable coexistence.

A BRIEF NOTE ON METHODOLOGY

This study is based mostly on library research involving secondary source materials, and, to some extent, primary materials. To a considerable degree, I have followed the research method Noam Chomsky adopts in his works on politics and international affairs. One of its main features, as I see it, is a rigorous adherence to facts and a form of criticism that is grounded in a hermeneutic analysis of empirical data. In keeping with this tradition, I have paid meticulous attention to facts, both official and veridical, with a view to winnow them from fiction. It is indeed true that the determination of what is factual and the very act of marshalling facts cannot be completely divorced from one's politics or, at least, one's ideological predilections. A work in political sociology such as mine, unfortunately, could easily expose itself to such criticism. To minimize this pitfall, I have closely contrasted the officially stated policies with the actual ways in which they have unfolded in practice.

Thus, I begin by deconstructing the official discourse on secularism and dwell on its lacunae stemming from its avoidable ambiguity. This task enables me to argue that Indian secularism is conceptually flawed. Thereafter, by examining the various judicial pronouncements on secularism and on cases involving religion and politics, I unravel the contradictions inherent in secularism as they manifest themselves in real life situations. Also, through copious extracts from judicial verdicts, I lay bare the majoritarian bias in secularism to which the judiciary too has contributed in no mean measure. In a similar manner, I have examined at length the BJP's anti-minority rhetoric by placing it in the background of the harsh verities about the conditions of the minorities. In this process, my endeavour is to enable the reader to arrive at the truth (or lack thereof) effortlessly, regarding the BJP's discourse on secularism. After having established the overwhelming anti-minority bias in three discourses -- the official, judicial, and the Hindu nationalist -- I look at the practice of secularism under successive regimes in the last fifty years. Here again, I have stayed close to officially stated 'facts' and narrative of events pertaining to the minorities and tried to contrast the precept with its practice.

While critically examining facts and drawing conclusions from them, I am guided by two considerations. First, keeping in mind the socio-economic, political, and cultural constraints under which it was functioning, I have asked myself if the state could have done anything better or different to mitigate the suffering of the minorities. If, after factoring in the compulsions of the state --arising from both its structural and historical limitations--the empirical data apodictically proves that it could have pursued some unobtrusive and non-confrontational policies and programs but failed to do so repeatedly, then I have concluded that the state was not guided by the best interests of the minorities. Second, since the Hindu majoritarian affinities of the state are so glaring, instead of making an elaborate theoretical case to prove it, I have rested my argument on a discursive analysis of its executive, legislative, and socio-economic policies and programmes. The overall thrust of my work is to hold up to popular view the contradictions in the officially accepted facts and let them speak for themselves. Finally, to understand why the state has been remiss in discharging its obligations toward the minorities, I have located the problem in the context of the political economy of development in India.

Theoretical discussions about the role of ethnic identity in nation building and social cohesion have centred mainly around two well-known perspectives: the primordialist and the instrumentalist. Walker Connor (1994) is one of the leading exponents of the primordialist perspective. He argues that ethnic identities are 'primordial' and that they acquire salience when they perceive a threat, particularly in a multicultural context. In contrast, the instrumentalists, led by Paul Brass (1991), maintain that elites in all multi-ethnic societies instrumentally use ethnicity to further their material and political interests. In the light of these perspectives, the primordialists argue that Hindu nationalism has emerged as a major force because Hindus perceive a threat to their cultural identity which they place above everything else. The instrumentalists, however, criticize Hindu nationalism as an ersatz movement launched by upper caste elites for political mobilization and to perpetuate their hegemony in all spheres.

The primordialists accuse the instrumentalists of overstating the importance of material issues in human affairs. They claim that "(C)ultural identity, like its individual counterpart, is an unconscious human acquirement which becomes consciously salient only when there is a perceived threat to its integrity" (Kakar, 1996:212). Primordialists also declare that the instrumentalists are biased against 'non-rational processes' such as fantasy which is the cornerstone of their approach (ibid. p. 213). The instrumentalists posit that cultural identity is not an immutable entity. They aver that its boundaries are fluid and that it is amenable to political manipulation. More important, cultural identity is not a given, but is a manufactured template that is socially constructed. These two perspectives have been exhaustively discussed in the literature on ethnicity, communalism, and nationalist movements (Kakar, 1996; Parikh, 1998). Though their proponents on both sides swear by their perspectives, by and large, there seems to be a consensus that individually neither of them can adequately explain ethnic, nationalist, or identitarian movements. Hence, an ideal explanation would incorporate elements of both arguments.

Having acknowledged this fact, in the specific context of Indian politics, it seems to me that the instrumentalist perspective has a greater resonance. It provides a more satisfactory, comprehensive account of the Hindu nationalist upsurge and of why the state has consistently ignored the plight of the minorities. The primordialist perspective cannot explain the Indian case because, as I argue in subsequent chapters, clearly, there is no overarching primordial Hindu identity that its people subscribe to. Both Hinduism and the 'Hindu' identity are recent constructs of colonial scholarship, a fact that I discuss at length in chapter 3. One of the reasons why Hindu nationalism remained dormant for so long, although the movement started in the early part of this century, was because people did not consider themselves as 'Hindus.' They identified themselves more in terms of their *jati*, i.e. caste group.

More important, any student of Indian politics and culture cannot ignore the fact that their unmistakable efforts have been in the direction of concentrating wealth, power, and resources in the hands of the upper caste elites. The caste system, untouchability, the doctrine of reincarnation and karma, the denial of education to those not belonging to the three twice-born castes, and the elaborate ideological framework buttressing these institutions and practices all prove that, since the earliest periods of Indian civilization, the Brahmanical elites have singlemindedly pursued their material interests in the guise of spiritualism and religion.

If one examines the political economy of development in postcolonial India, then one cannot help noticing a similar kind of effort aimed at subverting the empowerment of the subaltern castes/classes and the minorities. As in the past, the elites are now invoking Hindu nationalism and are demonizing the minorities to ensure that their economic agenda proceeds unimpeded. I have argued on these lines by closely analyzing the trajectory of development in India since independence. As in the previous chapters, I have worked extensively with figures and statistics provided by the government of India.

Before we end, I wish to explain the practical problems one encounters while conducting research on issues concerning India. Not until the early 1980s did the federal government conduct a systematic survey of the socio-economic conditions of the minorities. After much struggle by the leaders of the minority communities, then Prime Minister Mrs. Gandhi instituted a committee to assess the extent of deprivation among the minorities. For obvious logistical and financial reasons, the committee could not undertake an all India survey and had to be content with a sample survey. In the absence of anything better, I have relied on the findings of this government appointed committee. Since it does not provide comprehensive data, I have also relied on surveys conducted by minority organizations and various provincial governments. The picture that emerges from these figures culled from various sources is far from complete. Even so, it is shocking, as we will see in the following chapters.

Existing data on several issues must be considered as only tentative and symptomatic of the larger trends they portend. For instance, the federal Home Ministry's data on the number of dowry deaths in a given year reflect only the reported cases. It must be borne in mind that for every one reported case, there are at least a dozen others that are either ignored or hushed up at the local police station. For a variety of reasons including low salaries, widespread cynicism, patriarchal attitudes, a colonial heritage, and rampant corruption, law enforcement officials do not have the inclination to register cases of dowry deaths. If the accused are rich and influential, the cases are registered as 'death due to accidents.' In some instances, overworked policemen wilfully refuse to register cases fearing popular pressure to investigate them. For all these reasons, the official data on most 'law and order' issues must be taken as being indicative of a more widespread trend and no more.

CHAPTER 3

THE VARIANT MEANINGS OF SECULARISM IN INDIA

Secularism, in India, is a multifaceted expression, meaning different things to different people. It seems incongruous in a land that is home to virtually all the major religions of the world. As a doctrine advocating the separation of the church and the state, it has little meaning in India, as we shall presently see. If it means 'equal respect for all religions,' as the Indian state defines it, then the term is a misnomer. A more appropriate expression would be 'multiculturalism.' How, then, did this expression become a part of the political discourse in India?

Till the early part of this century, secularism remained relatively obscure as a political concept in India. It gained prominence in the 1940s, after the Muslim League demanded a separate homeland for the Muslims. The League predicated its demand on religious and cultural grounds, arguing that as the followers of Islam, Muslims constituted a separate nation and a different culture. It expressed misgivings about the fate of Muslims in Hindu dominated free India. As the League's movement gained strength, with the tacit patronage of the British, the Congress contested its claims by pointing out the syncretic religious traditions of India. It also decried what it considered to be an illegitimate abuse of religion in politics and accused the League of indulging in the politics of communalism. To distinguish itself from the communal politics of the Muslim League, the Congress affirmed its faith in 'secularism.' It argued that unlike the 'communal' League, it was wedded to secularism by which it meant two things. First, that it did not believe in misusing religion for accomplishing political objectives and that it believed in confining religion to the private sphere. Second, that contrary to the League's propaganda, the postcolonial state would not discriminate on the basis of religion. Thus, the Congress invoked 'secularism' to distinguish its politics from the 'communalism' of the Muslim League. Its twin goals were to affirm the moral superiority of its politics and to assure the minorities that their rights would be secure in independent India.

Much has happened since secularism first entered the political discourse of India. It has acquired new nuances and variant meanings in the last five decades. In this chapter, I wish to explore the different meanings of secularism. I shall analyze the Western, constitutional, Congress, and BJP versions of secularism and point out the aberrations in their conceptions and problems they engender. I argue that considering the historical context in which it emerged, secularism must be understood from a minority perspective, meaning that the quintessence of its meaning is that it would protect and promote the socio-economic, political, and cultural rights of the religious minorities.

THE INCONGRUITY OF WESTERN SECULARISM IN INDIA

In Hindi and other vernacular languages, the term 'secularism' often is rendered as '*Dharma Nirapekshata*' which, approximately, stands for 'religious neutrality.' While the Indian expression does not fully reflect the nuances of 'secularism,' that is about as close as one can get in Indian languages. This approximation underscores the alienness of the concept in the Indian context. Since it conveys the sense of 'religious neutrality,' secularism, in the popular mind, stands for the pursuit of atheism by the state. Furthermore, since the notion of the king and the state as defenders of the faith is fairly well entrenched, secularism arouses further suspicion as a doctrine whose aim is to disembed the traditional pillars of support for religion. The opponents of secularism, particularly the BJP and its allies, have exploited all these factors in their attempts to exacerbate popular hostility towards the concept.

It would be instructive to explore the factors that influenced the state's decision to privilege the definition of secularism as 'equal respect for all religions.' To do so requires delving into the options that the state had for making its choices. For various reasons in the Indian context, it would have been inconceivable for there to have been a definition of secularism as the Enlightenment inspired total separation of the state from religion, or, as the wall of separation between the state and the church under the American Constitution, or even as the neutrality of the state towards all religions. I shall mention briefly five factors that militated against the adoption of the Western connotations of secularism.

First, as is well known, Hinduism does not possess the features of semitic religions such as a central ecclesiastical authority, a centralized church, a common prophet, and a common scriptural and canonical authority. The absence of a spiritual or temporal authority made it imperative for the state to intervene in matters concerning Hinduism, particularly issues concerning its reforms (Smith, 1963:231). For instance, reforms in the administration of Hindu temples, Hindu endowments and charitable institutions, Muslim *wakf* (lit., religious endowments) properties and the like required the state to get involved in matters that, strictly speaking, fall in the domain of religion. Invoking, however, the plea of protecting public interests, the state has institutionalized its interventionist role.

Thus, several provincial governments have regular ministries for the administration of Hindu religious endowments and temples and Muslim wakfs. They are headed by cabinet rank ministers and have huge bureaucracies to manage what the state contends are 'secular' matters of religious bodies such as temples and trusts. This claim is untenable because dichotomising secular issues from spiritual ones is easier in theory but almost impossible in practice. And this is not just because Hinduism is not an 'organized' religion (though the Hindu right is making frantic efforts to fill this lacuna !) but also because there is a long history of a symbiotic relationship between the temples and the state dating back to the colonial period. The temples have all along provided the state their rich material and symbolic resources for its legitimation. In turn, the state has provided patronage to temples and enabled them to flourish. Secularism that requires the state to abjure its right to intervene in matters of religion, subverts a neatly worked out arrangement which augments the state's legitimacy and prowess. This is one of main reasons why the western connotation of secularism has been rejected as being unsuitable in the Indian context.

Franklin Presler's work (1984) on the interventions of the Tamil Nadu government in the affairs of the approximately 32,000 public temples in Tamil Nadu through its Hindu Religious and Charitable Endowments (Administration) Department is quite revealing. The provincial government of Tamil Nadu has justified its intervention in the affairs of temples on the ground that they are "public trusts for which the state has a direct responsibility" (Presler, 1984:60) and the Supreme Court of India has upheld this claim. As Presler argues, however, since it is virtually impossible to distinguish "temple as public trust" from "temple as religion," the state has sullied its secular record (ibid.). This sullying, though, has not overly concerned the various provincial governments of Tamil Nadu.

The temples collectively own around 500,000 acres of fertile agricultural lands (ibid., p. 62) and have huge incomes in the form of public donations. Although not all temples are prosperous, Presler states that 16,500 temples are wealthy since they own lands and get sumptuous donations from devotees (ibid., p. 64). The trustees of these rich temples are appointees of the government, and such appointments are much sought after because they confer access to useful resources and privileges. Presler estimates that if one takes an average of four trustees per temple, the state has around 66,000 trusteeship positions that it can disburse as patronage (ibid.). He has shown how all political parties that have ruled Tamil Nadu, including the professedly atheistic regional parties DMK and AIADMK,[13] have exploited the benefits accruing from intervening in the affairs of temples under the guise of streamlining their administration.

The second factor that militates against the adoption of the Western connotation of secularism relates to the precedents laid down in the course of centuries of colonialism. Both in the Mughal and British periods, the state provided patronage to various religious groups. In the initial stages of the British period, the East India Company started with a policy of religious neutrality as it did not wish to offend the religious sensibilities of the 'natives' and jeopardize its commercial interests. Yet, the British were drawn into religious affairs for a variety of reasons.

In several instances, they were convinced that they had to continue the religious patronage provided by the rulers from whom they took over. The populace, being accustomed to official patronage, also came to expect the same from the British. Thus, before long, the British were involved in organizing religious fairs, pilgrimages and the like. Also, gradually they were drawn into the supervision of temples (Frykenberg, 1991:34 - 38). In 1805 then Governor General George Barlow "ordered (the) British collection of a tax" for managing the Jagannath temple in Puri and for paying the priests and officers, a practice that was earlier followed by the Maratta rulers whom the British succeeded (Potts, 1973:127). A similar tax was levied in other temples too. Although the British abandoned the practice after some years, according to Potts, "over a 17 year period the Government reaped a net profit of £99,205 from Jagannath; and £445,941 and £159,429 from Gaya and Allahabad respectively over a 16 year period" (ibid., p. 131). Thus, in addition to being a form of social control, intervention in religious matters also was a lucrative proposition.

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[13] The DMK (Dravida Munnetra Khazagam) and the AIADMK (All India Anna Dravida Munnetra Khazagam) are regional political parties of Tamil Nadu. They are offshoots of the Dravida Khazagam (DK) movement started by Periyar Ramaswami Naickar - a well known atheist. The DK movement was avowedly atheistic and anti-Brahmanical in its ideology. One of the 'Golden Sayings' of Naickar is as follows: "There is no God./There is no God./There is no God at all./The inventor of God is a fool./The propagator of God is a scoundrel./The worshipper of God is a barbarian." Both the DMK and AIADMK swear by the intellectual legacy of Naicker. Yet, that has not prevented them from using the resources of the temple for furthering their political objectives.

The British again intervened in religious matters when they codified Hindu and Muslim criminal and civil laws to facilitate the administration of justice and the collection of revenues. Since criminal and civil laws, particularly the latter, derived their legitimacy from and were, in fact, drawn from religious sources, the colonial 'systematization' of laws inevitably involved intrusion in the realm of religion. Besides reifying an upper caste version of 'Hinduism' and rigidifying canonical laws, the colonial trespasses, albeit in the name of streamlining the dispensation of justice, set a precedent for the state's encroachment in the domain of religion.

Likewise, the Enlightenment-inspired social reform laws that the British introduced (such as the abolition of *sati*, ban on child marriages etc., ostensibly for the amelioration of the 'natives') legitimized the supremacy of the state over scriptures and religion in matters that had deleterious social consequences. Few would carp about this legitimate role of the state as a social reformer. Yet, one cannot but have misgivings when one realizes that the subliminal imperial agenda was to accentuate the benignity of colonial rule and establish the superiority of Western notions of fairness, justice, and other such virtues. Understandably, the postcolonial Indian state has made full use of this colonial precedent and often intruded in religious matters in ways that had the effect of ironing out the rich pluralities of Indian society and rendering it more amenable to centralized /authoritarian administration. More on that later.

The third factor precluding the total separation of religion from politics pertains to the nationalist tradition of using Hindu religious idiom for mass mobilization during the freedom movement. Leaders of the Congress, notably Bal Gangadhar Tilak, and Gandhi, liberally used themes, motifs, and metaphors from Hinduism to rally the disparate sections under the banner of anti-colonialism. Gandhi held up the millenarian vision of *Rama Rajya*--the egalitarian and prosperous regime of Lord Rama--as the post independence scenario. Tilak provided a nationalistic interpretation of the Bhagavad Gita and exhorted people to serve the motherland regardless of consequences. He also started the celebration of the birthday of the Maratha ruler Shivaji for promoting communitarian solidarity among the Hindus. These strategies successfully camouflaged the myriad inner contradictions, schisms, caste, and communal fragmentations and forged a united, pan Hindu identity for struggling against the might of British imperialism. The nationalist strategy, however, also had the long term consequence of routinizing the invocation of religious motifs for patently political purposes. Whether or not such a fusion of religion and politics is desirable is a futile question, although much academic energy has been wasted on it. The fact to be noted here is that religion has the innate capacity to provide enormous symbolic and material resources to those who harness its forces adeptly. By using religion for its political purposes, the Congress provided a lasting seal of approval on such use and thereby blocked the possibility of divorcing politics from religion.

The fourth factor emphasising the unity of religion and politics, particularly in the Indian context pertains to the innate peculiarities of the various religious traditions, prominent among which is their refusal to dichotomize the spheres of religion and politics. Take the case of Sikhism, for instance. Among other things, its troubled origins and its long history of persecution at the hands of the Mughals, heightened by lack of protection from Hindu kings, has led to the accentuation of 'self-protection' in the Sikh tradition (Madan, 1986:259) and the indivisibility of *miri* (politics) and *piri* (spirituality) (Pettigrew, quoted in Oberoi, 1993:278). In fact, the centrality of this notion can be gauged from the fact that it has been given an emblematic status in Sikhism in the form of two swords, one symbolizing *miri* and the other *piri* (ibid.) that several Sikh gurus sported. In the Islamic and, in certain readings of the Hindu tradition also, the importance of fusing spiritual and political power and their mutually reinforcing character have been underscored. Clearly then, the religious traditions of India do not provide a salubrious climate for the entrenchment of the Western notions of secularism.

Finally, India's transition to modernity, though painful and slow, has unleashed forces that have reinforced the umbilical connection between the secular and the sacerdotal realms. Even at the time of independence in 1947, when India's passage to modernity was inchoate, it was still enough to reveal the potential dividends religious issues could fetch in politics. An illuminating example is the census operations launched by the British as part of their attempt to enumerate and control the 'natives.' Several scholars have commented on how this process heightened the awareness of caste, communal, and religious identities (Appadurai, 1993; Cohn, 1987; Frykenberg, 1993; Kaviraj, 1997). In fact, it was one of the chief factors that provided impetus for the growth of Hindu nationalism. After all, it was the All India Census of 1871 which revealed that the 'twice born' upper castes comprised just a little over 15 percent of the total population while the Muslim and the untouchable communities together constituted approximately 45 percent of the population (Frykenberg, 1993:239). The upper castes then realized that they could retain their hegemony only by forging a pan Hindu identity which included the lowly peasant castes, the untouchables, and the aborigines. Though caste based enumeration has been abandoned since independence, census still triggers communal paranoia, particularly between Hindus and Muslims.

To briefly recapitulate what I have said so far, when India became free and proclaimed its desire to be a secular nation, it could not have opted for the Western connotation of secularism that would have required it to completely divorce the state from religious affairs. In other words, the total separation of religion from politics never was nor will be a viable option for the Indian state. Even in the secular West, the total separation of the church and the state remains a myth. India, therefore, can never have the 'ideal type' of secularism, if there ever was one in its purest form, and no tears need be shed on this account.

To say that the Western notion of secularism is incompatible with the Indian context does not mean that secularism itself has no place in the Indian polity.[14] There is little merit in the argument that since India is a land of several religions, it can never be secular in any shape, manner, or form. Essentializing the religious and conflict prone nature of Indian society was one of the pet strategies of the British colonialists to justify their 'civilizing mission.' Clearly, it can be no one's case, except perhaps that of some Anglophiles, that India is unsuited for secularism or that it lacks the maturity to put in place an arrangement for the amicable resolution of issues of religion and politics. Evidently, given the peculiarities of the Indian situation, it is imperative that we start with a particularly 'Indian' connotation of secularism, one that is workable in its milieu.

As stated earlier, keeping in mind the Indian ethos, the founding figures of the Indian Constitution have defined secularism as 'equal respect for all religions.' Before I critique the inadequacies of this definition, it would be useful to acquaint ourselves with its full ramifications.

SECULARISM ACCORDING TO THE INDIAN CONSTITUTION

In spite of all the controversy it has generated, the term 'secularism' has not been explicitly defined in the Indian Constitution. It is mentioned only twice in the Constitution: once in the Preamble, which states that India resolves to be a 'sovereign, socialist, secular, democratic republic'; and, the second time in Article 25, clause 2, which authorizes the state to frame laws "regulating or restricting economic, financial, political or other secular activity which may be associated with religious practice"(Majumdar and Kataria, 1996:12).

Yet, scholarly and judicial opinions are almost unanimous that the spirit of secularism is contained in the various provisions of Articles 14 to 17 and 25 to 30. In the interest of brevity, I shall just mention the issues with which these Articles deal in order to explicate the full import of secularism under the Constitution.

Article 14 - provides that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15 - prohibits discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16 - ensures equality of opportunity in matters of public employment. Affirmative action policies for the amelioration of the untouchables, tribals and backward castes, classes and communities are exempted from this provision.

Article 17 - abolishes untouchability and makes its practice a punishable offence.

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[14] V. P. Luthera has taken the separation of the state and church as the defining criterion of secularism and has argued in his book that India 'is not and cannot be a secular state.' This is a narrow understanding of secularism and clearly overlooks the positive aspects of Indian secularism, however truncated it is. For details, see Luthera, 1965.

Article 25 - provides for freedom of conscience and free profession, practice and propagation of religion subject to public order, morality and health. It confers on the state the right to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practice. Also, it stipulates that the state can make any law providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes of and sections of Hindus. Here 'Hindu' includes people professing the Sikh, Jaina or Buddhist religions.

Article 26 - provides freedom to manage religious affairs, subject to public order, morality and health.

Article 27 - states that no person shall be compelled to pay any taxes the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination.

Article 28 - states that no religious instruction shall be provided in any educational institution wholly maintained out of state funds. Article 28(3) says that no person attending an educational institution recognised by the state or receiving aid out of state funds shall be required to take part in any religious worship conducted in such institution except with his or his guardian's (in the case of a minor) consent.

Article 29 - offers protection of the cultural and educational rights of minorities. It provides that any section of citizens having a distinct language, script or culture of its own shall have the right to conserve the same.

Article 30 - guarantees that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

From the aforementioned Articles, it is apparent that Indian secularism, among other things, primarily means that the state cannot establish or practice any religion; use public revenues for promoting any religion, and that it should ensure equality before law for all its citizens, irrespective of their caste, class, race, sex, religion and so on (Baxi, 1994:18-19; Baird, 1981:395-96).

Keeping in mind the spirit of the abovementioned Articles and the debates of the Constituent Assembly, the Supreme Court of India has upheld the secular character of the Indian Constitution in several cases. To wit, in the landmark *Keshavanand Bharati vs State of Kerala* case, a full bench comprising thirteen judges heard the case and pronounced, *inter alia,* that secularism is an inalienable part of the basic structure of the Indian Constitution and that it is sacrosanct (Baxi, 1994:19). A similar ruling was given in the *Indira Gandhi vs Raj Narain* case (ibid.) and more recently, in the *Bommai vs Union of India* judgement which I will discuss in the next chapter.

It is one thing, however, to uphold the principle of secularism and quite another to define it precisely and lay down ways of implementing it. Unfortunately, little consensus exists on these issues. Since secularism has not been specifically defined, it lends itself to varying interpretations, depending on the ideological predilections of the interpreter. With no unanimity on the import of several key expressions, there is bound to be a great deal of confusion. What, for instance, does the term 'Hinduism' stand for? Is it a religion? Or, is it a 'way of life'? Who is a Hindu? How does one distinguish between religion and culture? What protection can the Constitution offer to minorities if a provincial government pursues a patently communal Hindu agenda and argues that it is providing patronage to Indian culture which, in any case, is predominantly Hindu?

Similarly, who are the minorities? Are Hindus in the province of Kashmir to be considered minorities since Muslims outnumber them in that province? Likewise, can Arya Samajis claim minority status in Punjab on the basis of their smaller numerical strength? It is also not clear whether the minorities' right to establish and administer educational institutions of their choice includes the procedure and method of admission and selection of students. Strange though it may seem, these questions have not been addressed satisfactorily either in the Constitution or by the various courts. Several verdicts of the Supreme Court relating to minorities and their right to establish and administer educational institutions have been criticized as being unsatisfactory or as conflicting with previous judgements of the court. Currently a special eleven judge bench of the Supreme Court is hearing a group of cases pertaining to minorities and their right to establish and administer educational institutions.

There is a great deal of confusion arising from ambiguities in the various provisions concerning secularism. Ill defined statutes have provided room for exploitation with impunity in the name of minority rights. As we have seen, Article 30 gives minorities the right to establish and administer educational institutions of their choice. Its original intention was to ensure that they have the freedom to take institutional measures for the preservation and propagation of their culture, language, values and so on. Hence the federal and provincial governments have provided minority institutions a greater measure of autonomy in several matters like day-to-day administration, appointments and promotions. This immunity from the usual regulatory mechanisms of the government is meant, ideally, for the nurturance of minority educational and cultural rights untrammelled by bureaucratic norms. Though laudable, it has had unsavoury consequences. Several Christian and Muslim bodies have started lucrative professional colleges (mainly medical and engineering) and enriched themselves by charging exorbitant sums of 'capitation fees' from students. They resist all attempts by the state to prevent the exploitation of students by invoking the plea that they are minority institutions and that the measures of the government are an infringement of their rights under Article 30.

This argument is not unassailable. Firstly, the rights under Article 30, like any right guaranteed under the Constitution, are not absolute and are subject to the police powers of the State. Hence the minorities cannot abuse their rights and claim legal indemnity. Secondly, and more fundamentally, one fails to understand how the minorities can claim to preserve and protect their language, culture and religion envisaged under Article 30 by running medical or engineering colleges? Why don't Muslims run institutions for teaching Urdu or for propagating Islam? Evidently, because they are not profitable ventures. Educational entrepreneurs have exploited the vagueness of Article 30 and escaped penal consequences under the guise of minority rights. Not surprisingly, therefore, Hindu nationalists criticize the very notion of secularism and demand its abolition citing the travesties of Article 30.

What lends further credence to such calls is the acquiescence of the government in the misdeeds of minority institutions. The reasons for this capitulation are not hard to find. Political parties are wary of taking tough measures to regulate minority educational institutions for fear of being branded 'communal.' More important, the cultivation of the elites among the minorities often pays rich electoral dividends that can make the difference between winning a majority or losing it.[15]

Most errant minority institutions, therefore, manage to dodge punitive measures. They continue to flourish with little accountability for their acts of omission and commission. The upshot of all this is that many influential religious groups within Hinduism have started demanding minority status with all the attendant privileges. Such demands, however, are often predicated on dubious grounds and are aimed at circumventing the rule of law. The recent case of the Ramakrishna Mission,[16] a Hindu religious body founded by Swami Vivekananda for propagating the teachings of Sri Ramakrishna, is an interesting example.

WHO IS A HINDU AND WHO ARE THE MINORITIES? THE CASE OF THE RAMAKRISHNA MISSION

The Ramakrishna Mission (the Mission, henceforth) runs the Vivekananda Centenary College at Rahara in West Bengal. Founded in 1961 with financial support from the federal and the provincial governments, the College operates on grants from the government of West Bengal. Though the government funds this institution, it was allowed a free hand in its administration and was not required to follow the norms of management laid down for regular colleges. The West Bengal government, for example, did not insist on a governing body for running the college. It was also exempted from the statutory regulations concerning appointments and service conditions of teachers that apply to other colleges. The reasons for special treatment for this college are not clear.

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[15] Studies have shown that in constituencies where the Muslims comprise a significant segment of the voters, they can tilt the balance in favour of the winning candidates. For example, in Utter Pradesh, the largest and the most populous province, Muslims comprise 19 percent of the population and play a decisive role in 130 out of 425 assembly ridings. Small wonder, then, that political parties are scared of alienating the Muslim electorate and try to woo them with sops and subsidies and by coopting their elites. For details, see Jha, 1995 and Qureshy, 1996.

[16] For a detailed account of the Ramakrishna Mission case, see McLean, 1991.

In 1978 when the college wanted to appoint a principal of its choice, the teachers protested against it and demanded that the management follow the norms laid down for government funded colleges in matters of appointment. The Ramakrishna Mission, which runs the college, refused to oblige the teachers. Consequently, 15 lecturers of the college challenged its decision in the Calcutta High Court in 1980. The teachers pleaded that the Court should direct the college to follow the West Bengal College Teachers (Security and Service) Act 1975 and the West Bengal College Service Commission Act of 1978 that apply to other colleges regarding appointments. They also prayed that the college should be asked to form a governing body as per the norms of the government. Just as this dispute was heating up, the Left Front led West Bengal government directed the college to constitute a governing body like any other college. Alarmed by what it considered as 'infringement' on its administrative freedom, the Ramakrishna Mission pleaded in court that it is a minority institution and hence must be allowed the autonomy assured under Article 30.

The Ramakrishna Mission's argument was that it was a religious minority following and propagating the cult of Sri Ramakrishna (1836-86), a Bengali mystic. It maintained that it followed a separate religion 'Ramakrishnaism' based on *'neo-advaitabad'*[17] and that its followers were 'Ramakrishnaites' and not Hindus. The Mission also argued that Ramakrishnaism "includes the basic virtues of Hinduism and particularly the Hindu spirit but does not exhaust itself in the Hindu Religion" (quoted in McLean, 1991:104). It took great pains to distinguish itself from Hinduism and, while agreeing that the former is hard to define, proceeded to fix its attributes and those of Ramakrishnaism. Briefly, the Mission claimed that Hinduism is based on beliefs in "a) rebirth and pre-existence, b) a large number of gods, and c) Nirvana as a goal which can be reached by not one but by many ways and means, and based on the Vedas, both doctrinally and ritually"*(sic)* (ibid.). Ramakrishnaism, on the other hand, taught Neo Vedanta based on the "experimental data provided by Sri Ramakrishna and is founded wholly upon his immediate certitude" (ibid.). It was further claimed that Ramakrishnaism rejected the caste system, "has its separate God, separate name, separate church, separate worship, separate community, separate organisation and above all separate philosophy..." (ibid.).

The Mission's definition of Hinduism draws heavily on orientalist scholarship. Critical students of Hinduism know that Hindus in different parts of India do not subscribe to the tenets mentioned by the Mission. In fact, recent critical scholarship is almost unanimous that

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[17] The teachings of Sri Ramakrishna are based on Advaita Vedanta. Advaita, meaning non-dualism, is one of the three schools of thought in Vedanta which in turn is one of the six orthodox systems of Indian Philosophy. Both Ramakrishna and his chief disciple Swami Vivekananda, particularly the latter, popularised an all-inclusive, syncretist version of Advaita Vedanta and taught that it is a valid means of attaining Truth that is available to the followers of all religions, including Islam and Christianity. This openness of approach and interpretation was meant to bring about the 'harmony of all religions' and is an innovation that traditional Vedanta does not emphasize. Hence the claim that they follow 'neo-advaitabad' or neo-Advaita.

'Hinduism' is a descriptive label coined by orientalist scholarship; it lacks universal validity and has little analytical or explanatory potential.[18] As for the 'Ramakrishnaism' that the Mission claims to propagate, it is also not quite different from the Brahmanical version of Hinduism. Besides, it is common knowledge that both Sri Ramakrishna and Swami Vivekananda, the two major figures in the movement, saw themselves as Hindus and described their teachings as such. Vivekananda was, in fact, described as 'an aggressive Hindu Monk' when he spoke at the World Parliament of Religions at Chicago in 1893. Neither Ramakrishna nor Vivekananda claimed that they were preaching a new religion; they both emphasized their Hindu roots; never left the Hindu fold; and, in fact, strove for the reformation of Hinduism. The teachings[19] of Sri Ramakrishna draw heavily from the Upanishads, Bhagavad Gita, the Vedas, the Puranas, Ramayana and Mahabharata and so on, all belonging to the corpus of Hindu scriptures. And yet the Mission claimed that it was a minority religion.

Some dedicated lay 'Ramakrishnaites' who also considered themselves Hindus were so outraged by the absurd claims of the Mission that they too filed a case against it along with the college teachers (McLean, 1991:106). The Calcutta High Court upheld the Mission's claim of being a separate minority religion and provided all the relief it had prayed for. The aggrieved petitioners appealed against the verdict in the Supreme Court which examined the Mission's arguments at great length. The case dragged on for ten years and at one stage in the hearings, Justice N. Venkatachala, one of the judges in the three judge bench, remarked that the Mission was claiming minority status only to 'escape' from the provisions of the West Bengal Colleges Act and the Teachers' Service Protection Act (Venkataraman, 1995:5). The Supreme Court finally quashed the judgement of the Calcutta High Court and ruled that the Ramakrishna Mission is not a religious minority. It had little option, given the mass of evidence about the Hindu origins of the Mission. The Court was also concerned that if the Ramakrishna Mission's plea was upheld, then it would be flooded with appeals from numerous sub sects of Hinduism to recognize them as minority religions, all for the sake of enjoying the privileges granted under Articles 28, 29 and 30.

I dwelt upon the Ramakrishna Mission case for two reasons. First, it demonstrates that so long as the admittedly difficult task of defining key terms like 'Hinduism' 'minorities' and the like are not dealt with in an objective manner, they are likely to be abused and it would be virtually impossible to uphold the spirit of secularism. As stated earlier, neither the state nor the courts have dealt with this issue satisfactorily and hence there have been several anomalies in the name of secularism and minority rights. Second, the privileges provided to the minorities have not been properly conceived; neither are there proper guidelines for their implementation. As things stand, they are primarily meant to humour the elites among the Muslims and other minorities, not to benefit their communities as a whole.

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[18] For details, see Sontheimer, Gunther D and Herman Kulke (eds.) 1991. Also, see Frykenberg, 1993.

[19] For details of the teachings of Sri Ramakrishna, see The Gospel of Sri Ramakrishna. New York: Sri Ramkrishna-Vivekananda Center, 1942.

ABERRATIONS OF INDIAN SECULARISM

By no means is the Ramakrishna Mission's case the only aberration of Indian secularism. The polymorphous meanings of secularism have provided the rationale for acts that are hard to justify. For instance, the federal government annually declares 17 days as public holidays to celebrate religious festivals or to commemorate the birth or death anniversaries of prophets and saints of the major religions of India. Every party that comes to power adds to the list, and this addition is justified in the name of the secular policy of giving equal respect for all religions. Thus, in 1990 the V.P. Singh government declared the birthday of Prophet Mohammed a public holiday-- something that is unheard of in several Islamic countries. Secular India, therefore, has one of the highest number of public holidays in the world (*The Economist*, Dec 23-Jan 3, 1996) -- a luxury that a poor country can hardly afford.

Similarly, every year the federal government subsidises the Haj pilgrimage of devout Muslims. It provides a subsidy of Rs. 5000 (approx. $ 167) for the airfare of every devotee and makes special arrangements for renting a wide-bodied jumbo aircraft for ferrying pilgrims back and forth. Once again, the Haj subsidy benefits affluent Muslims while their less fortunate brethren languish in deprivation. Besides, as we have seen, the Constitution mandates that the state should concern itself only with the regulation of secular aspects of religious activity. How, then, can any government justify its subsidy for the Haj tours? Hindus, Christians, and other religious groups are piqued by this discriminatory subsidy particularly because they cannot avail of funding for pilgrimage to their respective holy places.

The question of payment of salaries for *Imams*--priests who lead the prayers in mosques--presented yet another contradiction of Indian secularism. In May 1993, the Supreme Court ruled that the 1,15, 000 *Imams*, living on the verge of poverty, must be paid proper salaries as they have a right to a life of dignity under the Constitution. The Court ordered the federal government and the Central Wakf Board (a body that manages Muslim charities in the form of money and lands) to evolve a salary scheme for the Imams and find ways of paying them salary and back wages from December 1993. Initially, the federal government was reluctant to pay from the state exchequer as Muslim religious matters are handled by the various provincial Wakf Boards and it also feared that such payments would amount to funding the functionaries of a particular religion. It tried to pass the responsibility to the provincial Wakf Boards. Unfortunately, they are in dire financial straits and are in no position to bear the financial commitment. The Muslim religious lobby brought pressure on the government to pay the Imams and a general election was just months away. In January 1996, the federal government agreed to pay 1,15,000 *Imams* from public funds. The BJP criticized this decision as yet another instance of 'pampering' the Muslim community. Several Muslim bodies also accused the government of trying to get leverage in Muslim religious affairs. Yet, unmindful of the public criticism and the damage its actions had done to secularism, the Congress government went ahead with its decision.

Again, two facts need to be emphasized here. First, since secularism remains a nebulous concept, the ruling party can pursue partisan ends and still claim to be upholding secularism. The Congress and the centrist parties that have ruled since independence have used secularism to accommodate the interests of the elites of all religious communities with the intention of winning their acquiescence in Hindu majoritarian rule. Second, lest one gets the impression that Muslims alone have been singled out for official patronage, I wish to argue that the majority Hindus have also been amply compensated. In fact, a heavy Hindu bias is built into the very notion of secularism. Not surprisingly, all actions based on such a Hinduised concept favour the Hindus. Before examining this favouritism in the next section, I wish to discuss briefly why secularism has not been clearly defined and what its implications are.

THE AMBIGUITIES OF INDIAN SECULARISM

I have so far argued that secularism has assumed aberrant forms because of the ambiguity surrounding the concept. It is indeed true that in a multicultural, multi-religious state, secularism does not lend itself to precise definition. Trying to impose definite features on a nebulous concept is likely to invite serious objections from different religious groups. Instead, if the concept remains somewhat ambiguous, it allows the state to use it judiciously to promote intercommunal harmony and to ensure that, depending on the peculiarities of each case, the various communities receive equal treatment and justice.

Having noted the political and legal value of ambiguity, it must still be borne in mind that a crucial concept like secularism cannot be defined so vaguely as to render it meaningless, as is the case now. More so, when the ambiguity lends itself to political and legal abuse and generates intercommunal acrimony. In such instances, the very purpose of secularism, viz., ensuring harmony and amicable relations among the diverse communities, gets defeated. The best way out is to explicate some inviolable features of secularism and conceive ways of implementing them. In other words, this noble concept, ideally, must be made operationalizable.

The ambiguities of secularism have not escaped the attention of legislators. Yet, little has been done to explicate the full scope of its meaning. Surprisingly, all efforts in this direction have been deflected. At the time of drafting the Constitution, Professor K. T. Shah, a member of the Constituent Assembly, made two attempts to enshrine secularism in the Constitution and define it. Both attempts were frustrated (Baird,1981:391). In the first instance, in November 1948, he moved an amendment to Article 1 of the Constitution to make it read 'India shall be a Secular, Federal, Socialist Union of States.' It was rejected because the Constituent Assembly, particularly the Chairman of the Drafting Committee, Dr. Ambedkar, felt that the goals of socialism were incorporated in the various articles of the Draft Constitution (ibid., 392). However, as Baird points out, "the 'secular' part of the amendment was never addressed" (ibid.).

Prof. Shah again tried to define the term 'secularism' in the Constitution through an amendment in December 1948. This time he wanted the state to commit itself to observing total neutrality in all matters relating to religion. Prof. Shah pleaded for a strict doctrine of separation between the state and religion. Perhaps because it was considered unworkable, the Constituent Assembly rejected the amendment without any discussion (ibid., 393). Thus ended the two early attempts to explicitly commit the state to a clear definition of secularism.

India waited for 27 years to just formally enshrine secularism as one of the objectives of the nation. On September 1, 1976, through the 42nd Amendment Act, passed during an internal emergency, the words 'secular' and 'socialist' were formally added to the Preamble of the Constitution. Why did the Indira Gandhi government introduce these terms in the Preamble? Most importantly, why did the state just add the term 'secular' and not try to define it?

In mid 1975, a coalition of forces opposed to the delegitimized and corrupt regime of then Prime Minister Indira Gandhi mounted a serious challenge to her leadership and organized country wide protests against the hegemony of the Congress, which was ruling at the centre and in several provinces. It included the the Hindu right led by the RSS and Jan Sangh, the previous incarnation of the BJP, disgruntled Congressmen, socialists, Gandhians, Sarvodaya activists, university students and NGOs. Since the Hindu right dominated the coalition, the Congress tried to diminish its legitimacy by harping on its 'communal' ideology and background. The inclusion of the terms 'secular' and 'socialist' was meant to make a statement about the pro-people credentials of the Congress and to discredit the ideology of its opponents. At the height of the repression unleashed during the Emergency, Mrs. Gandhi's government passed the 44th Amendment Bill (after receiving Presidential assent it became the 42nd Amendment Act). There was little discussion on substantive issues concerning secularism since stalwarts of the opposition were all in prison.

While introducing the 44th Amendment Bill in the Lok Sabha (the lower house of the Parliament), then Minister for Law, Justice and Company Affairs, Mr. H. R. Gokhale made a lengthy speech on its far-reaching consequences. Yet, on secularism and its introduction in the Preamble of the Constitution, this was all he had to say:

> ....the objectives which we had always in view, namely, socialism and secularism, which we have tried to implement, will be more and more implemented and will be more accurately and correctly reflected in a basic part of our Constitution, namely, the Preamble. Let anyone say that 'socialism' or 'secularism' is incapable of definition.*(sic)* Well, if that argument were to be accepted, even 'democracy' in that sense is incapable of definition because, is it not understood in different ways in different countries? But, we understand what kind of democracy we stand for. In the same way, we understand what 'socialism' stands for and what 'secularism' stands for. Therefore, these criticisms are really intended to divert the attention from the main focus. The main objective of the amendment to the Preamble to my mind, is a very important and fundamental feature in the present amendment Bill to the Constitution. *(sic)* (Debates Before Lok Sabha, 1976: 59-60).

Prime Minister Indira Gandhi's speech on the 44th Amendment Bill was not illuminating either. Speaking on the floor of the Lok Sabha in support of the Bill, she said:

> ....The founding fathers of our Constitution and of our country had intended Indian society to be secular and socialist. These are not new definitions. They have guided

> our laws all these years. All we are doing now is to incorporate them in the Constitution itself for they rightly deserve to be mentioned there. The specific mention of this fact in the Preamble will provide the frame of reference to all, to our people, to the Government, to the judiciary and to the world. (ibid., 146).

During the entire course of the debate, not a single member objected to the inclusion of the term 'secular.' The common refrain, in keeping with the tone set by the Leader of the House, Mrs. Gandhi, was that secularism is an inalienable part of the Indian Constitution and that the Bill makes explicit what is inherent in the Constitution. As we have seen earlier, there seems to be a great deal of resistance either to question or oppose secularism or to demand that its content and ramifications are worked out unambiguously. It has always evoked respectful, if distant, obeisance from politicians of all hues. Expectedly, the Bill passed in both houses of the Parliament and became law after receiving the President's assent.

Scholarly opinions about the silence regarding secularism point to manifold reasons. First, since the Constitution of India was being framed in the background of a nightmarish communal holocaust that erupted in the wake of India's partition,[20] it was decided not to rake up further controversies concerning the role of religion in public life. Also, it was felt that the partition of the sub-continent into India and Pakistan had clinched the question of religious and national identity. Though members of the Constituent Assembly routinely described India as a 'secular state,' such talk was basically meant to assuage the fears of the minorities about their security in Hindu dominated India (Baird, 1981: 395). Second, secularism was a severely contested and thorny issue, as is evident from the acrimonious debates in the Constituent Assembly. Even within the Congress, there was little unanimity on whether or not to include secularism in the Constitution and, if so, what policy implications it should have. As a matter of fact, all issues concerning religion were extremely contentious. There were, for example, rancorous arguments about the right to propagate one's religion, with all shades of opinion from the progressive to the fundamentalist vying for supremacy. This tension was only to be expected, given that upper caste Hindus dominated the Constituent Assembly to the extent of 74 percent[21] (Shah, 1990:31-32). They were resentful that Muslim obstinacy had resulted in the vivisection of the country and so were reluctant to enshrine a concept that would be fair to the latter.

According to Baird, at the time of independence, secularism was deliberately left vague and bereft of a "universally accepted content" (1981:400). He argues that the

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[20] The partition of the subcontinent into India and Pakistan resulted in widespread Hindu-Muslim riots resulting in the death of about half a million people. Around 15 million people were rendered homeless and became refugees in India and Pakistan.

[21] The Congress had a commanding position in the Constituent Assembly with 82 percent of the members on its side. Ghanshyam Shah points out that of the Hindus who constituted the largest bloc (83 percent) of the Assembly, 45 percent were Brahmins, 13 percent were Kayasthas, ten percent were Marwaris and Banias and six percent were Rajputs belonging to the land owning class. All in all, 74 percent of the members belonged to the upper castes. For details, see Ghanshyam Shah (1990).

'multivalence' of the concept "enabled persons with a variety of religious goals to use it as a banner under which they could endeavour to build a nation together" (ibid.). In other words, since nation-building had to be given the top priority, the Congress did not wish to take a strong position on the relationship between the state and religion. He maintains that, even in 1976, secularism was endorsed because it continued to have "a minimal universally accepted meaning coupled with a multivalent nature" (ibid., 408).

Baird's thesis, though apparently convincing, is not entirely tenable because it seems to ignore the preponderant influence of the hegemonic Hindu meaning of secularism. I maintain that Indian secularism is firmly anchored in a majoritarian Hindu idiom and philosophy. Its meaning might seem to be 'multivalent.' But for the managers of the state, its meaning is synonymous with the preservation of Hindu interests. Also, contrary to Baird's assertion, regardless of which party is in power at any given juncture, secularism can have only a Hindu meaning and connotation in India. I hasten to add that these assertions do not preclude the possibility of paying homage to the need for protecting minorities, treating them with respect, and even coopting their elites, in the interests of furthering electoral prospects.

HINDU MOORINGS OF INDIAN SECULARISM

One of the abiding bromides of the political discourse in India is that India is secular because Hinduism is tolerant. Hinduism is often identified with the twin virtues of tolerance and non-violence. Hindu tolerance is credited with nurturing the diversity of faiths, religions, and cultures in India. Hindu nationalists claim that secularism, understood as *Sarva Dharma Samabhava* (equal respect for all religions), is a natural corollary of the Hindu tradition of tolerance. Hence they never tire of reiterating that their struggle is for upholding 'positive' secularism--meaning equal treatment of all and appeasement of none--and not for establishing a theocratic Hindu state. Such 'liberal' statements mask a majoritarian political agenda that derives its strength from Hinduism. They also seek to accomplish two purposes. First, they seek to reaffirm the catholicity and tolerance of Hinduism and thereby enhance its acceptability as a liberal philosophy catering to the interests of all Indians. Second, they seek to drive home the patronizing point that secularism-- meaning equal respect for all religions-- is possible only because of the innate greatness and fairness of Hinduism. In plain terms, the message that is sought to be concretised is that India can afford to be secular only because of Hinduism. The other point being made is that Indian secularism based on its Hindu ethos and values, is about as good as it can get for other religions and their followers in India.

Sophisticated versions of this argument emphasize the 'long history of tolerance and eclecticism' in Hinduism. Less sophisticated ones make the same point by contrasting the record of Hinduism with the 'innate intolerance' of Semitic religions like Islam and Christianity. They cite the treatment meted to novelists Salman Rushdie and Taslima Nasreen by Islamic clerics to buttress their argument.

Amazingly enough, the notion that Indian secularism is the product of the genius of Hinduism, finds acceptance and active support from all quarters, including mainstream political parties across the board. Since independence, it has become a state sponsored ideology and has been rarely interrogated. One of its early exponents was Dr. S. Radhakrishnan.[22] He popularised the idea that from the time of the Rig Veda to the present, India has followed the policy of 'live and let live' and tolerantly welcomed and nurtured several ideas, peoples, religions, and cultures. On secularism, here is what he had to say:

> It may appear somewhat strange that our government should be a secular one while our culture is rooted in spiritual values. Secularism here does not mean irreligion or atheism or even stress on material comforts. It proclaims that it lays stress on the universality of spiritual values which may be attained by a variety of ways. .....This is the meaning of a secular conception of the state though it is not generally understood (quoted in Smith, 1963:147).

Justice P. B. Gajendragadkar, a former Chief Justice of the Supreme Court, has also underscored the Hindu origins of secularism. He says:

> ....the point I wish to emphasise is that the spirit of tolerance, born out of a firm conviction that all religions are entitled to freedom and each one of them has an element of truth - this is a legacy of Hindu philosophy, and that is the cornerstone of secularism of which I am speaking. (sic) This is a special feature of Hindu philosophy, religion and culture and as such it is on this foundation that the whole edifice of secularism rests. This aspect of Hindu tradition is, and, I venture to suggest, does form the theoretical basis of our secularism (1971:101).

Several scholars have also accepted this notion and treat it as axiomatic. D. E. Smith, one of the first scholars to work on Indian secularism, makes a similar point:

> Hindu tolerance is far more than an intellectual abstraction expounded by Radhakrishnan and Gandhi. It is indeed a living tradition which has contributed vitally to the establishment of a secular democratic state in India. There is the doctrinal assertion of the essential oneness of all religions, to which many educated Indians (and not only Hindus) subscribe as a self-evident truth. More important, however, is the general attitude of 'live and let live' toward all manifestations of religious diversity. When questioned about the theoretical basis of India's secular state, a large majority of Indian leaders will immediately relate it to the Hindu tradition of tolerance (1963:149).

Pandit Nehru himself, for all his professed agnosticism, his Marxist outlook, and his aversion to the misuse of religion in politics, could not liberate himself from the Brahmanical interpretation of the connection between Hinduism and secularism. This inability was a because he, somewhat unproblematically accepted the Brahmanical underpinnings of

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[22] Routinely described as a 'statesman-philosopher' Prof. Sarvepalli Radhakrishnan was a charismatic exponent of traditional Indian philosophy who rose to become the President of India. He was also the Spalding Professor of Eastern Religions and Ethics at Oxford University. Dr. Radhakrishnan has written a number of books and articles on Hinduism and India's religious and philosophical heritage. His interpretation of secularism as deriving from the genius of Indian culture is often cited as proof of its greatness and superiority.

Hinduism as being synonymous with Indian culture (Omvedt, 1995:14-15). From his speeches and writings, one gets the sense that in his fondness for Indian metaphysics, he tended to look upon the excesses of Brahmanical dogma and the instances of every day religious exploitation as but peripheral aberrations surrounding an unsullied core of pristine Hinduism.

Thus, since the pre-independence period, the fusion of secularism and Hinduism has gained wide acceptance. The BJP has carried the argument a step further and popularised the idea that Indian culture and civilization are essentially Hindu, thereby conveniently eliding the composite character of Indian culture and the significant contributions of the minorities. Defenders of secularism have not tried to interrogate the core of Hinduism and secularism and examine why, if they are as benign as their votaries assert, they have caused such misery, violence, and destruction. Hence, it is important to investigate all claims being made in the name of these concepts in order to ensure that we start with a clear understanding of what they stand for. Much of the existing analyses are flawed because they seem to have not paid attention to the subtext of the vocabulary of Indian politics.

THE ORIGINS OF 'HINDU' AND 'HINDUISM'

I wish to begin with the question of Hinduism. What exactly does this concept stand for? Does it have the antiquity extending to thousands of years that is claimed for it? Is it really tolerant and non-violent? How does one understand the claims made in the name of 'Hinduism'?

Contrary to the popular notion, Hinduism is not an ancient religion and its origins are not of hoary antiquity. Critical scholarship is also unanimous that the related notion of a Hindu identity is a recent, colonial construct. Likewise, the Hindu community that the BJP wishes to unite is no more than an "imagined religious community" (Thapar, 1985, 1988, 1991, 1992).

The word 'Hindu' is a Persian term and was first used to denote the people of 'Hind,' i.e. those living on the banks of the river Sindhu. Though early references to this expression are found in the inscription of Darius I and other rulers of ancient Persia from sixth century BC onwards (Stietencron, 1995:77), it did not stand for the homogenised 'Hindu' community that we know today. Neither did it refer only to people following Hinduism. Hinduism as a religion and the notion of a 'Hindu' community are of 19th century vintage. No where is the term 'Hindu' ever mentioned in any scriptural work now revered by the Hindus, not even in the normative and canonical texts of Brahmanism like the *Dharmashastras* (Thapar, 1992:75). Though a notion of community existed in India, it was not one of a uniform, well-crystallized 'Hindu' community. On the contrary, there were diverse sects and communities identified by markers like "locality, language, caste, occupation and sect"(ibid., 77). Thus, to assert that an inclusivist Hindu community existed in ancient India is to disregard historical evidence. In reality, according to Thapar, there were:

> ....a cluster of distinctive cults and sects observing common civilizational symbols but with belief and ritual ranging from atheism to animism and a variety of religious

> organizations identifying themselves by location, language and caste. Even the sense of religious identity seems to have related more closely to a sect than to a dominant Hindu community (1992:85).

Affirming the same thesis, Stietencron argues for a radical reconsideration of 'Hinduism' since "there is hardly a single important teaching in Hinduism which can be shown to be valid for all Hindus, much less a comprehensive set of teachings" (1989:13). In a scholarly argument based on textual evidence and daily practices of the various sects, he shows how and why no agreement exists on even the so-called "universally accepted essentials of Hinduism, namely, the recognition of the Vedas as authoritative holy scriptures, belief in reincarnation and the doctrine of *karma*, and the hierarchical caste structure"(ibid., 15). Hence Stietencron concludes that "there are a number of different religions existing side by side within Hinduism"(ibid., 17). In other words, Hinduism is "not one religion, but a group of distinct Indian religions" (ibid., 21).

Frykenberg also reiterates Stietencron's conclusion and observes that "there has never been any such thing as a single 'Hinduism' or a single 'Hindu community' for all of India" (1989:29). He explores the historical evolution of Hinduism in the last 200 years and states that it did not "simply spring, full blown, into being. Rather it was *constructed*, piece by piece" (1993a:523, italics in the original).

If Hinduism and Hindu community are 'manufactured' entities, the question arises as to why they were 'manufactured.' Again, Romila Thapar's analysis is helpful to understand this process.

> The notion of Hindu community as it is defined today became necessary when there was a competition for political power and access to economic resources between various groups in a colonial situation. There was need to change from a segmental identity to a community which cut across caste, sect and region. This social need also required a reformulation of Hinduism which was attempted in various socio-economic and reform movements of the nineteenth century (1988:82-83).

This is not the place to go into the various other reasons that led to the emergence of a 'Hindu' identity. For our purposes, it is sufficient to note that Hinduism and the Hindu community arose from the homogenisation of a plural, multicultural tradition. Thapar calls this corporate version of neo-Hinduism as 'Syndicated Hinduism' (1985:22).

The originators and proponents of Hinduism are mainly the twice born upper castes led by the Brahmins. They have forged the Hindu community by ironing out the variegated diversity of Indian society and by forcibly co-opting the former untouchables, tribals, and lowly peasant castes who comprise its numerical majority. It comes as no surprise that Hinduism has a heavy Brahmanical orientation and is centred around Brahmanical scriptural works like the Vedas, the Upanishads, the Bhagavad Gita, Puranas, Ramayana, Mahabharata and the like. Common to all these works is their insistence on the primacy of caste, the superiority of the Brahmins, and other upper castes and the low status of women, untouchables, and the peasant castes. Besides, they have stymied the growth of a rational outlook by emphasizing salvation, *karma*, and subordination. In sum, Hinduism is predominantly a hegemonic, status-quoist ideology aimed at perpetuating the privileges of the upper castes. I must hasten to add that by Hinduism I mean only the exploitative, Brahmanical version of the religion that virtually all major political parties and the state have appropriated. Folk versions of Hinduism--those associated with the lower castes and traditions like the Bhakti movement--have all, in their own unique ways, provided meaning to the lives of the subalterns and even enabled them to realize their revolutionary potential.[23] Mainstream Hinduism has adopted a patronizing attitude toward folk Hinduisms and tried to coopt them. It also strategically invokes these traditions to argue for the innate tolerance of and the diversity within the Hindu tradition.

THE MYTH OF HINDU TOLERANCE AND NON-VIOLENCE

The success of organized Hinduism lies in its mythology of tolerance, non-violence, and egalitarianism. Secularism is held up as the abiding proof of its liberal, benign credentials. In stressing the supposedly tolerant, catholic outlook of Hinduism, its proponents seek to drive home the point that anything other than Hinduism, i.e. the religions of the minorities, Islam and Christianity, cannot be secular. However, the crucial point is, are these claims historically valid? No great scholarship is needed to answer this question in the negative. Unfortunately, the horrors of untouchability, the stultifying logic of *karma* and reincarnation, and patriarchalism have besmirched the track record of Hinduism. It is important, though, to go beyond these obvious blights that it visits on its most vulnerable followers.

Quite often it is argued that untouchability, disfiguring widows, and such other practices are mere aberrations, the dross and deadening accretions that any mass-based religion acquires in the course of its history. In contrast to this argument, Hindu enthusiasts point of the 'sublime' aspects of Hinduism found in the higher reaches of its philosophy, in the arts, culture, and traditions that its elites pursue.[24] Thus, one is often reminded that Hinduism has always welcomed and nurtured alien influences; that it is so eclectic that even heretical doctrines were allowed to be propagated from the temples; and, that it is a non-proselytising religion wedded to the policy of 'live and let live.' Since these claims are seldom verified, Hinduism is reified in the popular imagination as an ancient, tolerant religion. As for its blighting customs and practices, they are explained away as corrosive influences of corrupt, external forces, mainly the Mughals.[25]

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[23] Several scholars have worked on people-centred and 'folk' versions of Hinduism and on the Bhakti tradition. For an interesting work in this area, see Lele, 1981.

[24] Ashis Nandy makes a distinction between Hinduism and *Hindutva* - the fundamentalist/nationalist movement spearheaded by the BJP and its allies - and argues that while the former is 'a faith and a way of life' the latter is 'one of those pathologies which periodically afflict a faith or a way of life.' However, this argument is flawed because it refuses to engage in a critical analysis of scriptural, ritual and cultural aspects of Hinduism. For details, see Nandy , 1991.

To understand the Hindu tradition of tolerance or the lack thereof, one has to critically examine the history of the evolution of Indian philosophical thought.[26] Contrary to the popular impression of India's spirituality, there is a long and vigorous tradition of materialism and rationalism also that has been smothered. Lokayata, the materialist school, emphasized rationalism, laid the earliest foundations of scientific methods of analysis and investigation, and provided the well springs for the efflorescence of Indian science, medicine, astronomy and the like. Because Lokayata philosophers debunked the fantastic assertions of the priestly class and refuted their claims about the divinity of the Vedas, the Brahmins and other upper castes systematically persecuted and excommunicated them. Lokayata also denounced the caste system as baseless and cruel and ridiculed the superstitious practices of the Brahmins. Its relentless logic and rationality laid bare the hypocrisy, exploitation and falsehood of the upper castes and, instead, proposed a rational, people-oriented outlook on life. In short, Lokayata subverted the social control mechanisms of the ruling class and threatened the interests of the entrenched elites. Evidently, the Lokayata philosophers raised inconvenient issues and aroused the ire of the priestly class who then destroyed all the Lokayata works. Not a single foundational text of the Lokayata school is extant and no complete account of their philosophical tradition exists. How, then, do we know about this school of thought? Exponents of the orthodox and theistic schools have, in their philosophical compendia, referred to Lokayata philosophers like Bhaguri, Punrandara and others mainly to pooh-pooh their rational arguments (Ramakrishna, 1994:37). They routinely describe the materialists as 'intellectual perverts,' 'stupid' and so on and do not examine the merit of their points (ibid., 86-87). Scholars of Lokayata like Debiprasad Chattopahdyaya (1959, 1980) and G. Ramakrishna (1994) have painstakingly culled these references and salvaged the main tenets of Indian materialism.

The harsh treatment meted to Lokayata is by no means the only instance of Hindu intolerance. Followers of Buddhism and Jainism, two heterodox philosophies, were not spared either. Thapar has described the persecution of Buddhists and Jainas by the Hindus (1987). She points out that Hsuan Tsang, the Chinese scholar who visited India, referred to the atrocities of Mihirakula against Buddhists, both in the Punjab and Kashmir in the sixth century AD. Similarly, the Kashmiri poet Kalhana, in his Rajatarangini, writes about the persecution of Buddhists and the wanton destruction of a *vihara* (a Buddhist monastery) by a Saivite king (Thapar, 1992:73). In Tamil Nadu in the south, the Saiva saint Jnanasambandar is said to have forcibly converted the Pandya ruler from Jainism to Shaivism. Thereafter, the king apparently killed 8000 Jainas. Furthermore, Saiva sects also "attacked Jaina establishments" and drove them out of the kingdom (ibid.).

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[25] Ashok Singhal, a leading figure of the Viswa Hindu Parishad (World Hindu Council) accuses Muslim invaders for creating the caste system in Hindu society. For details, see *The Economic Times*, April 16, 1995.

[26] India is home to ten major schools of philosophy of which six are considered orthodox since, among other things, they accept the infallibility and authority of the Vedas and four are heterodox, i.e. they deny the authority of the Vedas. Those belonging to the heterodox tradition: Buddhism, Jainism, Tantra and Lokayata (materialism) are critical of the entire Brahmanical tradition reflected in the six orthodox schools and are atheistic in their orientation. Of these, Lokayata (Indian materialism) propagated rationalism, ridiculed the divine claims of the Vedas and was critical of the exploitative ways of the priestly class.

Apart from the followers of the heterodox traditions, the lower castes too have suffered at the hands of the twice born castes. Works on Hindu canonical laws, particularly the *Manusmriti*, abound in negative, insulting references to the *Shudras* (low agrarian castes), untouchables, and women (Ramakrishna, 1994:44-56). Brahmanical Hinduism has explicitly prescribed the denial of basic rights like education, decent livelihood, and full participation in socio-economic and cultural life to people belonging to these groups. Likewise, in the epics, Ramayana and Mahabharata and in the Puranas, one encounters numerous incidents and stories whose sole intention is to uphold the sacrosanct nature of the caste system and the hegemony of the upper castes. Those who disregarded caste injunctions were calumniated and had to pay a heavy price in the form of social opprobrium, excommunication and so on. One such person was Charaka, the ancient physician and surgeon of India, who made pioneering contributions to Indian medicine and surgery. He was totally rational in his outlook and so defied caste based rules of pollution and purity to treat patients of all castes, including the untouchables. He faced considerable opposition and harassment from Hinduism's orthodox followers.

Even in the light of such concrete examples, it should not come as any surprise if Hindu enthusiasts maintain that these were solitary instances of abuse of Hinduism by misguided followers. The thrust of their efforts is to prove that Hinduism is essentially tolerant and concerned with universal well-being and therefore it must be the basis for the national life of India. Hence, I reiterate that the Brahmanical dogma that constitutes the kernel of Hinduism is inherently intolerant, inegalitarian, and chiefly concerned with the perpetuation of the interests of the propertied castes and classes. Brahmanical Hinduism did not acquire these qualities but they are written into it since the earliest times. In its major scriptural works there are copious statements sanctioning the wilful disenfranchisement of the marginalized groups and affirming the supremacy of the upper castes. I do not wish to dwell on specific instances as that will take us away from our immediate discussion. In its contemporary incarnation, Brahmanical Hinduism seeks to win adherents through several ways: by projecting a gentle, all-inclusive image of itself; by co-opting the lower castes through inducements; and, by projecting an enemy, an 'Other' i.e. Muslims, whom it portrays as being inimical to Hinduism. Any attempt, however, to subvert its hidden agenda reveals its intolerant face.

GANDHI'S ROLE IN INSTITUTIONALIZING BRAHMANICAL HINDUISM

We have seen that the Congress extensively used Hinduism and its metaphors for mobilizing the masses during the freedom movement. More than anyone else, Gandhi constantly invoked the metaphors of Hinduism to rally the subaltern castes around the anti-imperialist struggle. The astute leader that he was, Gandhi knew that a more acceptable form of Hinduism, one that made conciliatory gestures to the lower castes, would evoke the proper response from them. Towards this end, he worked in two directions. First, he started movements for cosmetic changes in the Hindu outlook such as the abolition of untouchability, the entry of the untouchables into temples, and so on to establish the bona fides of Hinduism. Yet, though opposed to untouchability, Gandhi never forsook his allegiance to the caste system. He described the four *varnas* (the major caste divisions) variously as 'divinely ordained,' an 'immutable law of nature' and so on. Second, he conferred legitimacy on the use of Hindu idiom by embedding Brahmanical concepts like *Ramarajya* (the regime of Lord Rama depicted as being an ideal state), *Satyagraha* (the struggle for truth) and the like in the political discourse and holding them up as ideals to strive for.

Gandhi's fondness for Hinduism and his repeated assertions that its entrenchment in politics will have an edifying effect must be contrasted with his readiness to promote the interests of the propertied classes. Though a renunciant in his personal life, he promoted the interests of the domestic bourgeoisie. To achieve this end, he used the idiom of Hinduism. For instance, his notion of trusteeship, which he claimed to be in consonance with the Hindu tradition, was a non-confrontational, patronizing arrangement for the management of property in which the rich man would invariably be the trustee. On several occasions, he worked actively to "accommodate the interests of capital" (Mukherjee-Reed, 1997:254). Gandhi employed the heady discourse of Hindu spiritualism emphasizing trusteeship, non-violence and a harmonious relationship between labour and capital to thwart the radical restructuring of social relations that were being attempted during his time.[27]

In the 1920s and '30s, India witnessed severe labour and peasant unrest. Industrial workers agitated for decent wages and landless peasants were locked in violent confrontations with landlords for exploiting them. Gandhi again used Hindu rhetoric to deradicalise the agitators and veered their movements into non-confrontational channels (ibid., 254-55). More important, even when he led the peasants movement in Champaran, he did not highlight the evils of the *zamindari* system (landlordism). In fact, when he submitted an eleven point memorandum to the British on behalf of the Congress in 1930, it focussed on the grievances of the industrialists and not on those of the peasants and workers (Ghouse, 1992:81-82). Gandhi also defended the *zamindari* system in his media interviews, a fact that appalled even Pandit Nehru. Interestingly, none other than G.D. Birla, a leading industrialist of India, vouched for his usefulness for the nationalist bourgeoisie in a letter to a friend:" ....I wish I could convert the authorities to see that he is greatest force *(sic)* in the side of peace and order. ....He alone is responsible for keeping the left wing in check." (quoted in Mukherjee-

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[27] Dr. B. R. Ambedkar, the leader of the untouchables, was extremely critical of Gandhi's political and social philosophy. He criticized it as follows:

> The special feature of Gandhism is that its philosophy helps those who want to keep what they have and to prevent those who have not from getting what they have a right to get. No one who examines the Gandhian attitude to strikes, the Gandhian reverence for caste and the Gandhian doctrine of Trusteeship by the rich for the benefit of the poor can deny that this is an upshot of Gandhism....Gandhism is the philosophy of the well-to-do and the leisure class (quoted in Larson, 1995:203-204).

Reed, 1997:255).

Gandhi's *tour de force* in the cause of Hindu unity was his successful agitation against the introduction of separate electorates for the untouchables in 1932. The Congress vehemently opposed this move and Gandhi went on a historic 21 day fast in Poona to protest against it.[28] Bowing to Gandhi's pressure tactics, Dr. Ambedkar agreed to withdraw his demand and the British rescinded their policy. Though both Gandhi and the Congress argued that the colonial rulers were promoting the untouchables to create a schism within the Hindu community and subvert the freedom movement, the greater worry was that a separate electorate for the untouchables would hinder pan Hindu unity whose hegemony the Congress wished to assume.

Thus, Gandhi used Hinduism skilfully to protect and promote the interests of the indigenous, national capital against the twin threats of metropolitan capital and of rebellion by the marginalized groups. But his more enduring contribution is that he completely recast the political discourse of India in non-class, non-economic, religious terms by employing the idiom of Hinduism. Evidently, this redounds to the benefit of the hegemonic leaders of the Hindu community, namely, the twice born castes, mainly the Brahmins and Banias - the latter who are predominantly trading castes.

Ironical though it might seem, Gandhi, who identified himself so completely with Hinduism, albeit a reformed version of it, was assassinated by a Hindu fanatic, Nathuram Godse. He, like most people of the Hindu right, was extremely annoyed with Gandhi's non-violence and his 'pro-Muslim' leanings when all the latter demanded was fair play in the treatment of Muslims.[29] Hindu traditionalists, both within the Congress and outside of it, lionized Gandhi so long as he fought for a Hindu majoritarian agenda. However, when he urged his Hindu brethren to treat the minorities in a fair and equitable manner, he became the object of such intense Hindu hatred that it culminated in his martyrdom.

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[28] The upper caste elites of the Congress always claimed that they represented the interests of all Indians. But the untouchables, led by Dr. B. R. Ambedkar, were not satisfied with the patronising policies of the Congress. They also did not approve of Gandhi's espousal of caste and his paternalistic attitude toward the untouchables whom he called 'harijans'(lit., the children of God). Around the late 1920s, the untouchables under the leadership of Ambedkar, started launching militant movements demanding civil liberties like the right to draw water from public wells. Soon after, they began agitating for separate electorates. Their complaint was that the Congress elites had neglected their interests. In 1931, the British held a Round Table Conference (RTC) in London where the demands of the untouchables were discussed. To win support for his cause, Ambedkar tried to join hands with the leaders of the Muslims. This move alarmed the Congress. Its upper caste leaders were worried that the Muslims and the untouchables might succeed in challenging their hegemony, particularly if the separate electorates demand was conceded. In 1932, following the failure of the RTC, the Imperial government announced a Communal Award under which the untouchables were given the right to elect their own representatives. Worried that this move would sound the death knell of Hindu unity, Gandhi undertook a fast for 21 days. Bowing to Gandhi's moral pressure, Ambedkar agreed to withdraw his demand and settle for reserved constituencies for the untouchables.

[29] The Hindu right was annoyed with Gandhi because he spread the message of communal amity and exhorted the Hindus to treat Muslims in a fair and generous manner. After the partition of India, Gandhi urged the federal government to expeditiously pay the government of Pakistan its share of the assets of undivided India agreed upon under the partition pact. The Hindu right was anguished by the 'perfidy' of the Muslims and hence interpreted Gandhi's actions as being pro-Muslim.

RECENT INSTANCES OF HINDU INTOLERANCE

The assassination of Gandhi and the subsequent escalation of Hindu violence against the lower castes, tribals, untouchables, and the minorities do no credit to Hinduism as a religion wedded to non-violence. But then, non-violence has never been the forte of Hinduism. As Thapar points out, religions of the heterodox traditions, particularly Jainism and Buddhism, laid supreme emphasis on non-violence (1985:20). Hinduism has privileged this virtue only to prove its spiritual superiority over other religions. Unfortunately, however, instances of Hindu atrocities are too many and too egregious to justify its claim of non-violence. Upper caste anger against the growing assertiveness of the marginalized has revealed itself in periodic outbursts of caste and communal clashes. Often it assumes unconscionable forms. Burning the huts of the untouchables,[30] raping low caste women, polluting their wells and ponds, beatings and torture-- all these are so commonplace that they have ceased to arouse indignation even among the enlightened sections of the community. In several instances, the upper castes have resorted to the most revolting forms of violence. For example, in Bandageri, a small village in northern Karnataka, caste Hindus forced a group of untouchables to eat human faeces in August 1987 (Mendelsohn and Vicziany, 1994:91-93). They were annoyed with the untouchables as one them dared to contest and win a village level election against caste Hindu contenders.

Strange though it might seem, even unobtrusive and peace-loving religious minorities like the Jains, Buddhists, and Christians have also had to bear the brunt of Hindu ire.[31] In November 1993, irate Hindu vandals desecrated several Jain temples at Madhuban in Bihar, including the famous Parasnath Temple which attracts over a million Jaina devotees every year. They also vandalized several icons of Jaina deities and defiled the sanctity of the temples. Similarly, Hindus unfairly hold control over a Buddhists holy place -- the Mahabodhi Vihar at Bodh Gaya in Bihar -- ostensibly because there is a Shaiva *lingam* (the phallic symbol of Lord Shiva) in front of the huge statue of the Buddha at the temple site. Buddhists have been agitating for acquiring control over the Vihar but Hindus are in no mood to relent. They also harass the Buddhist monks by disturbing their meditation through the use of loud speakers. When the Buddhists -- mainly former untouchables who recently converted to Buddhism -- staged a demonstration against Hindu control and tried to occupy the Vihar as a token gesture, the Hindu-dominated state apparatus ordered the police to raid the temple and flush out the demonstrators. The Mahabodhi Vihar is still under the management of powerful Hindu priests.

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[30] In early 1994 the Government of Maharashtra changed the name of Marathwada University and renamed it as Dr. Ambedkar Marathwada University following requests from the former untouchables to commemorate their leader. This sparked a violent backlash from the upper castes and they indulged in acts of violence, arson, looting and so on. Upper caste hoodlums burnt the huts belonging to the untoucables and the lower castes, beat and threatened and molested their womenfolk. For details, see *Frontline*, Feb. 11, 1994.

[31] Instances of Hindu intolerance mentioned here are based on a special report titled 'Intolerance : Hindu Revivalists Pose a Threat to all Religious Minorities' published in *Sunday*, Jan 10-16, 1993.

Christian missionaries and churches in Gujarat, the north-eastern states of Tripura, Manipur, and Arunachal Pradesh and those in the tribal dominated areas of Bihar and Madhya Pradesh have also faced the wrath of Hindu revivalists. Twenty churches have been burnt down in different parts of Tripura since 1987. In Bihar, Hindus have forcibly occupied land and properties belonging to churches, resenting their evangelical work among the tribals. Militant Hindu organizations have burnt down several schools run by churches in Manipur. Since the BJP led coalition assumed office in March 1998, the attacks on Christians, particularly missionaries, reached egregious proportions.[32] The recent burning of Graham Staines, an Australian missionary working among the tribals in Orissa, and his two sons clearly repudiate all Hindu claims of tolerance and non-violence.

Lately, Hindu violence has exacerbated to such an extent that it has not spared even members of the upper castes who have expressed their outrage against violence and intolerance in the name of religion. In November 1993, Hindu militants murdered Pujari Laldas[33], a former priest at the Ram Temple in Ayodhya. His only sin was that he gave a long interview in a documentary film titled *'In the Name of God'* in which he was critical of the actions of the Hindu revivalists. Though a devout Hindu and a priest, he frankly opposed the exploitation of the Ayodhya temple issue for the political purposes. He had to pay a heavy price with his life for daring to take on the Hindu militants. One can go on and on, cataloguing the innumerable, quotidian instances of Hindu violence and intolerance. As we have seen, in most cases, the aggressors are the upper caste Hindus and the victims are the religious minorities, the lower castes, the untouchables, tribals, and women.

The main points made so far can be summarized as follows: First, notwithstanding the assertions of the upper castes, Hinduism is not tolerant and non-violent, as its record of dealings with the religious minorities and the lower castes shows. Second, the tarnished record of Hinduism is not a peripheral aberration but the result of the exclusivist and elitist ideology that is written into it since the beginning. In this sense, contrary to conventional wisdom, Hinduism is profoundly incompatible with the basic spirit of secularism, defined in the broadest of terms. Third, the argument that India is secular because Hinduism is tolerant is also untenable. It tries to camouflage the hegemonic designs and the paternalistic attitude of the twice born castes who wish to entrench their leadership of a multitudes of castes, communities, and religions within the rubric of a manufactured, pan Indian, Brahmanical Hinduism. It is also a subtle message to the minorities that their destiny can be secure only under a Hindu majoritarian regime and can get no better than that.

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[32] For a detailed catalogue of the intolerant hate crimes committed by Hindu militants since the BJP came to power in 1998, see Praveen Swami's report titled 'A Catalogue of Crimes' in *Frontline*, vol. 16, no. 3, Jan. 30-Feb. 12, 1999.

[33] For an account of the murder of Pujari Laldas, see *Frontline*, Jan 14, 1994, pp. 116-117. For the report of a fact finding team on this murder, see Flavia Agnes, 1994.

Curiously enough, though Indian secularism derives its meaning from Hinduism, the Hindu right is still critical of it. One would have thought that at least the BJP and its allies would be satisfied with the conceptual framework of secularism and might, if at all, have problems with its flawed implementation. But, as we have seen, they demand that it be scrapped and replaced with 'positive secularism.' The BJP's prescription is no panacea for the ills of secularism, though. Not the least because its critique of the official policy and the alternative it offers are eclipsed by its urge to enthrone an assimilationist as opposed to integrationist version of secularism.

THE BJP's CRITIQUE OF SECULARISM

The BJP denounces the official policy on three principal counts. First, it claims that secularism is a Western concept wholly unsuited to India and is alien to its political culture. Second, it ignores the religious sensibilities of the vast majority of Indians to whom all activity is religious and a form of worship. To a people who do not make the sacred-secular distinction, secularism as a state policy is meaningless and violates their sense of identity. Third, if neutrality of the state is the essence of secularism, then the Indian state has never been and can never be secular. If anything, the BJP argues, it is partisan, particularly in favour of the Muslims since independence. For these reasons, Hindu nationalists have popularized the notion that because of secularism, "a Hindu society is saddled with an anti-Hindu state"(Bhargava, 1994:61).

The BJP's ire is directed mainly against the Congress and the centrist parties. It accuses the Congress of pandering to the whims of 'fanatical elements' among the minorities, particularly the Muslims, in the name of secularism. The oft-cited instances of 'pampering' minorities are:

a. Allowing Muslims and other minorities to retain and follow their canonical laws while denying this privilege to the Hindus.

b. Providing special legal provisions like Article 30 and Article 370 which confers a special status on Muslim dominated Kashmir under which, among other things, non-Kashmiris cannot buy property without the permission of the provincial government.

c. The setting up of a Minorities Commission to safeguard their interests and look into the grievances of the minorities such as abuse of their human rights and so on.

The BJP alleges that these instances of 'pandering' to the minorities have fostered a separatist identity among them that is rooted in their religion. As a result, they have not fully assimilated into the national mainstream. It also accuses official secularism of promoting 'vote-bank politics' - a reference to the attempt by secular parties, notably the Congress and left and centre coalitions to capture the votes of Muslims by giving them illegitimate concessions. The BJP argues that the net effect of secularism is that it perpetuates a servile, patron-client relationship, creates a 'minority complex' and thereby encourages fundamentalist and intolerant tendencies among Muslims.

As an antidote against such 'pseudo-secularism,' the BJP posits 'positive secularism' whose motto is 'justice for all and appeasement of none.' This recipe is is predicated on a homogenized vision of India, one that equates 'Indian' with 'Hindu.' Its logic is that since India is a land of the Hindus who comprise around 85 percent of the total population, and since Hinduism is a way of life in addition to being a religion, it is only reasonable to expect all minorities to see themselves as Hindus or at least Hinduize their way of life. What implications does this have for the religious minorities? It means that the minorities should subordinate their religious and/or ethnic identity to the overarching Hindu identity.[34] Muslims, for instance, must see themselves primarily as 'Hindus,' adopt the Hindu way of life, pledge their loyalty to India and, more important, accept the cultural heroes of the Hindus as their own. The BJP opposes official secularism because it provides some statutory safeguards for minority cultural rights. It encourages Muslims to maintain their separate identity and since it is anchored in Islam, their loyalty is not to India but elsewhere. According to the BJP, India will emerge as a strong nation only when it becomes a cohesive *Hindu Rastra*, a Hindu nation-state. It sees 'pseudo-secularism' as the biggest stumbling block in the fulfilment of the project of nation-building.

The crux of the BJP's critique is that it is opposed to special treatment for any religious group. Its main justification is that since Hindus do not demand any special treatment, such demands from other groups must be ignored. The BJP is able to make this facile argument for equality only because the very conception of secularism is based on Hinduism. This Hindu base is why the BJP's problem with official secularism is not with the notion of 'equal respect for all religions,' but with the special provisions enshrined in the Constitution for safeguarding minority rights. Thus, the BJP argument aims to underscore the Hindu majoritarian slant of secularism and, more important, it seeks to completely extirpate special rights for the minorities. As Kapur and Cossman point out, its demand for equal treatment of all religious groups is based on a notion of formal equality, not on substantive equality (1993:3-4). While the former is premised on 'treating likes alike,' the latter is a more comprehensive approach aimed at "the elimination of the substantive inequality of disadvantaged groups in society" (ibid.). Hence the substantive equality approach is concerned with not "the equal treatment of the law, but rather with the actual impact of the law" and it makes room for the differential treatment of religious minorities in order "to ensure that they are equal" (ibid.). Clearly, the BJP opposes substantive equality because its goal is to subjugate not only the religious minorities but also the subaltern castes under its hegemonic rule.

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[34] Golwalkar, a former chief of the RSS and one of its main ideologues, writes:

'The non-Hindu peoples in Hindusthan must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea but that of the glorification of the Hindu race and culture: i.e., they must not only give up their attitude of intolerance and ungratefulness towards this land and its age-old traditions, but also cultivate a positive attitude of love and devotion instead, ...in a word, they must cease to be foreigners, or must stay in this country wholly subordinated to the Hindu nation, claiming nothing, deserving no privileges, far less any preferential treatment - not even citizens rights' (1945:55-56). For details, see Golwalkar, 1945.

THREE COMPETING PERSPECTIVES ON SECULARISM : AN APPRAISAL

So far I have discussed three major perspectives on secularism and analysed their drawbacks. The first one, the Western perspective, draws on the Western connotation of the neutrality of the state toward all religions and the strict separation of religion, state and politics. Its chief merit, if actualized in spirit, is that it dichotomizes politics and religion in hermitically sealed areas and ensures that the one does not cast a baneful influence on the other. As we have seen, however, even in the West, this perspective has not been institutionalized in its purest form, mainly because it demands the severance of a symbiotic relationship between two entities that have a natural affinity for one another, namely, the state and religion. In the context of India, the separation of religion and politics is neither feasible nor desirable in the present context. The state does have a legitimate role to play; it has to ensure that secular issues concerning religion are conducted efficiently without compromising public trust. Though the sacred and the secular often overlap and provide room for an illicit furtherance of partisan interests in the name of upholding public interests in religious affairs, at the present time there seems to be no viable alternative to this occurring.

The second perspective of treating all religions with equal respect is the Hindu accommodationist perspective and the Congress and left and centrist coalitions are its votaries. Its main feature is that, under the overarching hegemony of Hinduism, the state has accommodated the interests of the elites of all religious minorities and humoured them into accepting Hindu supremacy unquestioningly. The Hindu accommodationist perspective has two main drawbacks. First, as we have seen, while professing equality of treatment for all religions, it appropriates a special and privileged place for Hinduism by underscoring the Hindu basis of Indian secularism. Stated otherwise, it means that in India all religions are equal, but Hinduism is more equal than others because without it there can be no secularism at all. Second, as the exploitation of secularism's ambiguities by the minorities proves, it has provided the ideological basis for the promotion of communalism of all religious denominations. Under the guise of showing equal respect for all religions, the state has flagrantly promoted communalisms of all hues.

The third perspective, advocated by the BJP and its allies, is the Hindu exclusivist perspective. It overlaps with the second perspective inasmuch as it too reaffirms the supremacy of Hinduism in the Indian polity, albeit more stridently. But, instead of coopting the elites of religious minorities, it requires the minorities to submerge their identity completely within the Hindu mainstream. Needless to say, the Hindu exclusivist perspective is not only xenophobic but also inimical to social diversity. Its chief attraction is that it provides a false sense of empowerment to those who identify themselves with a pan Indian Hindu community. But, while consolidating a Hindu community, it estranges itself from the minorities who constitute a sizeable number in India. This explains why the Hindu exclusivist perspective on secularism is not yet a winning proposition in India. Another factor to note is that at least till recently, the Hindu accommodationist perspective accomplished virtually all the objectives of the third perspective without arousing undue suspicions about its motives. For a long time, it has masqueraded its hegemonic aspirations by projecting a genteel variety of Hinduism and through perfunctory ameliorative measures for the minorities.

The current polarization of Indian politics on the question of secularism is mainly around the second and third perspectives. At the present time, the Hindu accommodationist perspective seems to be the preferred choice of a majority of parliamentarians and also of the electorate. This preference is why, in spite of severe inter and intra party differences, the parties of the United Front and the Congress initially came together to keep the BJP out of power in 1996.

Though gaining ground steadily for a variety of reasons, the Hindu exclusivist perspective still bears the stigma of xenophobia and intolerance. Yet, it would be perilous to ignore that both the Hindu accommodationist and the Hindu exclusivist perspectives are inimical to the interests of the religious minorities. The danger stems from the fact that the pith of both perspectives is a Hindu majoritarian ideology. While this fact has been noticed, not much seems to have been accomplished either at the conceptual level or in the realm of praxis to emancipate the debate from these two congruent and yet contending approaches. It is imperative to extend the horizons of the debate and argue for a minority perspective on secularism, one that makes the interests of the minorities central to any assessment of the secular credentials of a party or a government. Enough historical justification and basis exists to support such an exercise, as we shall presently see.

THE MINORITY PERSPECTIVE ON INDIAN SECULARISM

If secularism has to have any meaning in India, then it must be embedded within a minority perspective. What it means is that, aside from the 'equal respect' doctrine, the secular state's commitment will be rivetted essentially on protecting and perpetuating the rights of the cultural and religious minorities. The crucial point, of course, is that religious minorities include both the minorities within the hegemonically defined Hindu fold as well as those outside of it. Taken to its logical end, the minority perspective will inevitably require the state to cauterize the Brahmanical Hindu components undergirding its official policy. Exorcised of its patronizing and ideologically laden connotations, secularism be a genuine promise to guarantee the inalienable rights of the minorities. The next step would be the institutionalization of the minority perspective as the natural corollary of the form secularism should take in India, given its peculiar religious, political, and socio-economic history.

Understood thus, this institutionalization will cease to be seen as a gesture of magnanimity on the part of the upper castes. On the contrary, even for those who insist on a definition of secularism drawn from India's religious ethos could argue that secularism is the product of the sublime aspects of *all* the religious traditions of India, and not just that of Hinduism. More to the point, if, among other things, safeguarding the rights of the minorities is made the touchstone of secularism, then it will ensure greater accountability regarding the secular claims of all political parties. It will be a bulwark against the vulnerability of the minorities; and, what is more, it will considerably facilitate the operationalization of the spirit of the concept.

Critics of the minority perspective are likely to argue that it is not particularly novel as statutes for the protection of minority rights are all enshrined in the Constitution. To them, it must be pointed out that prescribing legal safeguards is one thing; empowering the minorities to invoke them for their amelioration is quite another. What can the right of the minorities to form institutions for the promotion of their culture and education mean to the vast majority of indigent Muslims for whom mere survival is a feat of achievement? Besides, since all the rights of the minorities are located within the patronising canopy of Hinduized secularism, they are seen as largesse doled out to well-behaved minorities that can be withdrawn summarily without any obligation to explain why. Hence, not surprisingly, in riot after riot Muslims get killed and virtually no Hindu culprit is ever brought to justice, even those whose culpability has been established before judicial commissions of enquiry. Nevertheless, the state proudly proclaims its commitment to secularism, unmindful of the lack of concrete results to back its claims.

Central, therefore, to making secularism meaningful and relevant to the minorities, is the task of reinstating its meaning as the recognition of and the commitment to their inherent rights as minorities and not as the munificence of a 'tolerant' Hindu community. It also will enhance its impact by providing objective indices for assessing the secular track record of political parties. Based on this definition, only those parties are secular that have striven to provide the wherewithal to the minorities to enable them to enjoy the privileges provided in the Constitution.

Enough evidence exists to argue that such a reading of secularism is also consistent with the spirit of the historical context in which it arose. The importance of secularism as a political concept dawned on the leaders of the freedom movement only when repeated and severe Hindu-Muslim riots broke out in the mid 1920s and 1930s. Initially, Pandit Nehru and other leaders of the Congress saw these communal clashes as the result of retarded economic growth under colonialism and as being encouraged by feudal elements. The Congress believed that once the manipulative colonial power was driven out of the country and modernization was introduced, communal riots would automatically stop. Thus, the Karachi resolution of the Congress in 1931--its first explicit enunciation of secularism--declared that "the state shall observe neutrality in regard to all religions"(Gopal, 1988:2465). Clearly, the Congress had a myopic view of the nexus between religion and politics as later events would force it to re-examine its stance on secularism.

From the mid 1920s to the late 1940s, the sub-continent witnessed a gradual escalation of the ideological polarization of the Hindu and Muslim communities, which culminated in its partition in 1947. The relation, however, between the two communities began deteriorating soon after the first All India Census of 1871. The upper castes were galvanised into action once the Census revealed that they constituted no more than just 15 percent of the population. Their vigorous efforts to augment their numbers by enroling the untouchables and tribals as Hindus after making them undergo a purificatory ceremony set off a more or less similar response in the Muslim community. In the forefront of the Hindu campaign was the Arya Samaj, a Hindu fundamentalist organization founded by Swami Dayanand Saraswati. The Muslims began to feel insecure due to the strident tone of the Arya Samaj discourse and its Hindu mobilisation tactics. They formed the All India Muslim League in 1906 to lobby for the protection of their interests in face of growing Hindu assertiveness. The colonial regime seized the opportunity provided by the Hindu-Muslim schism and exacerbated it by introducing separate electorates for Hindus and Muslims in 1909 (Gold, 1994:536-37).

In a bid to augment its political strength and, partly in reaction to the formation of the Muslim League, the Hindu elites formed the All India Hindu Mahasabha in 1915. In 1923, a prominent Hindu revivalist V. D. Savarkar wrote an influential book Hindutva : Who is a Hindu? He essentialised the differences between Hindus and Muslims and argued that they constitute two distinct and irreconcilable civilizations. His book formally inaugurated the discourse of Hindu nationalism and caught the imagination of the Hindu elites. In 1925, the RSS, a militant Hindu revivalist body, came into existence in Maharastra with the twin purposes of establishing a Hindu nation by subjugating the Muslims and containing the unrest among the untouchables who were then being mobilized by Dr. Ambedkar.

In the midst of the heightened Hindu mobilisation and the increasing shrillness of the militant Hindu nationalist rhetoric, the Muslim populace began to feel uncomfortable. The Congress was overwhelmingly Hindu not only in its composition (which was inevitable) but also in its orientation, its idiom and its preferences. It was natural for the Muslims to develop misgivings about their future in Hindu dominated free India. They got the first taste of what would lie in store for them after independence when, in 1937, following its victory in several provincial polls held under the Government of India Act of 1935, the Congress assumed office. It refused to share power with the Muslim League on a reasonable basis and tried to marginalize it.[35] The reluctance of the Congress to share power accentuated the worst apprehensions of the Muslim elites. On several other occasions, the Congress squandered opportunities for building bridges with the Muslim League.[36]

Suspicious of the Hindus in the Congress and fearing that it might not get its legitimate due in free India, the Muslim League passed the historic Pakistan resolution at the Lahore session of its meeting in 1940. Once the League formally demanded Pakistan, the relations between Hindus and Muslims soured irredeemably. It is true that the colonial government manipulated the leaders of League, that the Muslim elites were opportunistic, and that they created a mass phobia about Hindu domination. Yet, to acknowledge these facts is not to absolve entirely the Hindus in the Congress. Indian historiography demonizes the

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[35] Rafiq Zakaria states that in the provincial election in the United Provinces, the Congress failed to win a single seat in Muslim ridings. Maulana Azad, a prominent Muslim in the Congress, then advocated that the party should form a coalition with the Muslim League. Apparently, Nehru rejected this idea. For details, see Zakaria, 1995:43-44.

[36] Zakaria argues that between 1938 and 1946, the Congress bungled several possibilities of League-Congress alliance and hence squandered the chance of avoiding the Partition. See Zakaria, 1995:71.

Muslim League and its leader Mohammed Ali Jinnah and portrays them as opportunistic separatists. This portrayal is only partly true. The Congress also was to blame.[37]

I dwelt on the deterioration of the Hindu Muslim ties in the 1930s and 40s because the talk of secularism and of India being a composite nation gained prominence only after the League passed the Pakistan resolution in 1940. Stated otherwise, this means that the Congress made a special effort to recognize the compositeness of India and the contributions of the Muslims only when they started threatening to partition India. Also, the talk of secularism and of 'equal respect for all religions' was meant to assure the Muslims that their destiny will be secure in independent India. From the position of the neutrality of the state toward all religions, the Congress veered to the notion of equal respect for all religions.[38] Several factors conspired to bring about this ideological change. Important for our discussion is the fact that the Congress started talking about a non-discriminatory model of secularism chiefly to assuage the fears of lay Muslims and to avert the Partition. Since it bungled in handling the secessionist demand, the inevitable happened. In the wake of the partition, 65 million Muslims migrated to Pakistan, mostly the middle and upper classes. Around 35 million Muslims stayed back in India. To heal the wounds of the communal holocaust and to affirm its commitment not to jeopardize the interests of the Muslim who stayed back in India, the Constituent Assembly legislated laws designed to protect their interests.

Thus Indian secularism primarily is a solemn asseveration of the Hindu majority to honour the rights and privileges of the minorities; and, to recognize the composite character of Indian nationalism.[39] Denying the compositeness of Indian nationhood or, worse, destroying it would tantamount to reneging on the promise of secularism. The BJP argument about the Hindu identity as the defining feature of Indian nationalism is clearly untenable as it negates India's composite nationalism. The Congress makes the same argument in a slightly less dogmatic fashion when it claims that Indian secularism is derived from Hinduism.

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[37] Ayesha Jalal's analysis of the events leading to the Partition and the role of Jinnah , Muslim League and the Congress are along these lines. For details, see Jalal, 1985.

[38] Bilgrami (1994) argues that the Congress never seriously applied its mind to the question of institutionalizing communal harmony. It always followed an ad-hoc policy and changed its position without seeking the views of the different communities. Its policy on secularism did not emerge as a result of an open dialogue. The Congress did not discuss substantive issues concerning majority-minority relations. It imposed its own views from above. This attitude betokens not only its ideological bankruptcy but also its lack of genuine commitment to promote intercommunal solidarity. For details, see Bilgrami, 1994:1755.

[39] Sections of the Muslim community have used the 'composite nationalism' thesis to argue against state-sponsored reforms, particularly those concerning their religious affairs such as the *Shariat*. For this and other reasons, both scholarly and popular opinion seems to have veered to the notion that much is being made of the 'composite nationalism' thesis. Some, like Vanaik, posit 'that the composite culture argument is inadequate to 'counter the thesis of an essentialist Hinduism' (1997:135). It is also true that the state and the various political parties have discredited the composite culture thesis by formally adopting it while continuing to subscribe to a Hindu majoritarian reading of secularism. Yet, the fact remains that the postcolonial Indian state did make promises to honour the covenant of composite nationalism. This fact, howsoever diminished in practice, must not be lost sight of.

Conflicts regarding secularism will continue to recur if there is no recognition of the obfuscatory nature of secularism espoused by the Congress and the exclusivist version propounded by the BJP. Therefore, conceptual clarity is possible only when one appreciates that the minority perspective on secularism is the most apposite reading possible in the context of India. Throughout this study, my emphasis will be on analyzing secularism from the minority perspective.

CHAPTER 4

SECULARISM, JUDICIARY, AND THE LAW

The dispensation of justice in matters pertaining to religion is always a ticklish task in all secular, liberal democracies. Quite often, the right to freedom of religion is at odds with secular laws resulting in a predicament about which principle should gain precedence. Orthodox Jews and Sikhs, for instance, demand that they should be exempt from wearing the headgear in the police or military because it conflicts with their religious practices. Sikhs in India argue that the state has no right to prevent them from boarding a plane just because they carry the traditional *kripan* (a small dagger), mandated by Sikhism. But the state maintains that in view of the escalating incidence of terrorism, it has no choice but to impose a blanket ban on all kinds of 'weapons' that could be potentially used for hijacking. In Montreal and Paris, the majority French resent the fact that Muslim school girls insist on wearing the *hijab* (head scarf), violating the secular rules of the educational system. By a similar token, the minorities, particularly the Muslims, take exception to the Sunday holiday laws because they see a majoritarian bias in them. Why not allow us to close our shops on Fridays, they ask?

In Western democracies, most conflicts between freedom of religion and secular laws have been resolved through reasonable compromise. Such relatively harmonious resolution has been possible because the degree of diversity is within manageable limits, the statutes are fairly well defined, and, to some extent, there is a feeling of reciprocal respect. Furthermore, as Kymlicka points out, in some instances, such as the Sunday closing laws and the dress code for the police and the military, the rules were framed at a time when there was less religious diversity and, through long usage, they have been taken for granted (1995:114). Thus, though they appear to favour Christianity, they should not been seen as such. Likewise, when ethnic groups in Canada demand that their religious practices and convictions should be respected, all they are demanding is that they should get "the same recognition as the original Anglo Saxon settlers" (ibid., p. 115).

In the context of India, however, the tensions between freedom of religion and secular laws are severe, complex, and acrimonious. More often than not, they defy amicable solutions. Broadly, four kinds of problems have contributed to prolonged disputes both among religious communities and between them and the state. First, if secularism minimally means checking the baleful influence of religion in public affairs, then the existing laws are woefully inadequate and unfair. Second, since the state has not defined either secularism or religion in a justiciable manner, it provides room for ambiguity and varying interpretations. Similarly, the amorphous nature of Hinduism, the absence of a set of commonly accepted, unifying tenets, and the lack of a binding, internal mechanism for arbitration and regulation of its practices -- all these factors devolve an onerous responsibility on the judiciary. Unfortunately, the courts have neither the competence nor the resources to discharge these obligations. Third, in view of the enormous latitude offered by both the law and religion for judicial discretion, extraneous factors like the question of caste and class bias, the conservative training and background of the judges, their zeal for reforming the minorities, and the like come into play. Lastly, the worsening socio-economic situation in India, the decline of the rule of law, and the meagre salaries and perks offered to the judges render their task all the more difficult to perform.

In spite of these problems, the judiciary has had to adjudicate several cases regarding religion and secularism. What has been the impact of these verdicts on their practice? Have they resolved the ambiguities of Indian secularism? Or, have they reified the state's vision of it? The verdicts of the courts are important as they are the final arbiters of what is or is not in keeping with the tenets of secularism. As we shall see, they have cast a significant influence on institutionalizing certain interpretations and not others. Forensic decisions have defined the contours of secularism albeit not always in a consistent manner.

In this chapter, I argue that although the judiciary, notably the Supreme Court, has underscored the umbilical connection between secularism and the Constitution, it has interpreted the concept from a Hindu majoritarian perspective. A critical review of some notable cases on secularism, the freedom of religion and the rights of the minorities, reveals that the judiciary has not always interpreted secularism in a progressive manner, its full-throated avowal of the concept's centrality to the Constitution and the polity notwithstanding. In fact, in several judgements, the Supreme Court has reified the State's Hindu accommodationist version of secularism and, unwittingly perhaps, also provided judicial legitimacy to Hindu nationalism. The Hindu right has not lost time in appropriating judicial verdicts to reinforce its ideology. This usurpation, in no mean measure, has loaded the decks against the minorities.

Before I present my main arguments, I wish to briefly explain the hurdles that impede the institutionalization of secularism. As I mentioned earlier, some of them are indeed difficult to resolve, but most others require imagination, political will, and empathy, qualities that both the Indian state and the judiciary have not always displayed in ample measure.

THE STATE AND THE JUDICIARY IN INDIA

After India gained freedom, it faced the challenge of forging a modern, democratic nation out of a multitude of religious, linguistic, and caste groups living in the 565 principalities ruled by the British colonialists. A more trying task was to build a modern nation on the foundation of what was essentially a feudal society steeped in antediluvian ideas and atavistic thinking . The notions of civil liberties, citizenship, human rights, minority rights, gender justice and the like were not well-entrenched in the civil society. Untouchability, bonded labour, child marriages, *sati*, discrimination on the basis of caste, creed, and gender--all these social evils posed formidable barriers to the empowerment of the largely illiterate lower castes and classes and the institutionalization of democracy. Rooting them out was not an easy task because almost all of them derived their legitimacy from religion, chiefly Hinduism. To make matters worse, Hinduism lacked the coherence, leadership, and popular allegiance that were essential for its writ to succeed. Plainly stated, there was no institution, other than the state, to reform social evils.

In the early years of independence, unfortunately, a number of socio-economic, cultural, and political factors stymied the state's ability to usher reforms in Indian society. First, the mainly upper caste governing elites of the state were not quite enthusiastic about popularizing egalitarian values and ameliorating the conditions of the lower castes as that would subvert their own hegemonic position. But they also could not ignore the rising tide of subaltern aspirations, thanks to the limited politicization of the latter during the freedom movement. Also, leaders of the lower castes like Dr. Ambedkar had launched militant movements for their empowerment which made them conscious of their rights. The state, thus, found itself on the horns of a dilemma.

Second, the presence of umpteen castes, sects, and communities and the solemn assurance of religious freedom and equal treatment made prior to independence also limited the options of the state. It would have jeopardized the integrity of the nation, already weakened by the partition, if it drastically intervened in the sphere of religion. If it interfered selectively in the religious affairs of the Hindus, then the latter would demand that the religions of other communities must be similarly reformed. But after being traumatized by the partition riots, what the Muslims needed most was a healing touch, not religious reforms. No matter how well motivated, it would have confirmed their worst fears about the Hindu elites.

Third, the chore of purging Hinduism of its dross was quite complicated. It required sifting the quintessence of Hinduism from all the pernicious accretions of the past. There was little consensus about what was integral to Hinduism and what was extraneous to it. Thoroughly recasting Hinduism on rational and egalitarian lines was a mammoth endeavour requiring painstaking work. The Hindu elites had little motivation to undertake this venture not only because they did not have much to gain from it but also because they feared it would disrupt the fragile unity of the Hindu community and cost them the support of various groups within the Hindu rubric.

All these points are not meant to imply that the state's hands were tied or that there was very little it could do. The point is, the challenge it faced was formidable; yet, it was, by no means, insuperable. Nevertheless, the ruling elites of the state took the line of least resistance and evolved a via media solution. They initiated some reforms that encroached on religion but were in keeping with the dictates of democracy and human rights. Thus, the state abolished untouchability and allowed the entry of the untouchables and the lower castes into temples and educational institutions. Recognizing the equality of all individuals, it also introduced universal adult franchise. Similarly, it rejected the Hindu notion of justifying one's social station on the basis of one's actions in previous births. Instead, the state unveiled affirmative action policies for the untouchables and the aborigines recognizing the importance of equality of opportunity. Impressive though these initiatives were, they were largely symbolic in nature. Their impact on a fundamental transformation of society was rather limited, as we will see in the following chapters.

What the state did not undertake was the more controversial and complex task of reforming Hinduism and defining religion and secularism in such a manner as to make them justiciable. It could have rationalized its intervention by citing the urgent need for curbing oppression and exploitation based on religion. Besides, of course, there was the constitutionally mandated obligation of evolving mechanisms for treating all religions with equal respect and promoting intercommunal harmony. But the state never got into such impolitic areas. It completely abdicated its responsibility to entrench a progressive interpretation of religion and secularism from a minority perspective. By refraining from meaningful action, it unobtrusively passed the onus to the judiciary, the only other institution that one could turn to for the redress of such grievances. As Moog rightly points out, the governing elites, more often than not, use the judiciary to gain approval for and legitimize their otherwise unpopular decisions (1998:420). In this case, aware that the upper caste dominated courts would concretize Brahmanical Hinduism, the state elites chose to remain passive. Thus, what ought to have been addressed by the state got tossed to the judiciary.

The judiciary, unfortunately, did not have the wherewithal to deal with the responsibilities imposed on it. Cases pertaining to the conflicting claims of the state, the individual, the community, and religion required innovative forensic intervention. The huge corpus of case laws on these matters from the colonial period was not helpful because, unlike in the past, the new agenda was to facilitate nation-building on modern, democratic, and secular lines. One of the main challenges before the courts was to devise methods for sorting out the competing demands of secularism and freedom of religion. Besides, as the state tried to thrust Hindu values on other religions, such as in the anti-cow slaughter case, the minorities turned to the courts for justice. In addressing such admittedly knotty issues, the judiciary has set a precedent that cannot strengthen a secularism that is centred on the rights of the minorities. The aberrations of the early judicial decisions laid the precedent for majoritarian judgements as we will see when I analyze the recent Hindutva verdicts.

One of the earliest cases pertaining to the scope and limits of freedom of religion came up in 1954. Soon after independence, the state initiated land reforms on a limited scale. Under this scheme, it acquired the lands held by religious endowments and sought to administer them through the Department of Hindu Religious Endowments. Sirur Mutt, a Hindu religious body in Tamil Nadu, challenged the government's acquisition on the plea that it constituted a violation of its right to freedom of religion. The question before the court was whether the acquisition of excess lands owned by a religious body amounted to curtailing its right to freedom of religion. While deciding this case (*Commissioner, Hindu Religious Endowments vs. Lakshmindra Tirtha Swamiar*), popularly known as the Sirur Mutt case, Justice B. K. Mukherjea ruled that the constitutional protection to the right to freedom of religion is afforded only to the essential aspects of a religion (Baird, 1976:52; Dhavan, 1987:220 Fuller, 1988:228). He also held that "what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of the religion itself"(quoted in Baird, 1976:52). The essentiality test prescribed by Justice Mukherjea was certainly a positive measure in that it ended the earlier arbitrary assertion that a certain practice was a religious practice and hence enjoyed constitutional protection.

Unfortunately, the essentiality test also presupposed a clear understanding of what constitutes religion. Little consensus, however, exists about what comprises the essential practices of a religion. As Dhavan points out, the essentiality test created more problems than it solved (1987:223). Who is to decided what is essential and what is not? What sort of sources and evidence are to be relied upon to decide the matter? In the absence of straightforward guidelines, judges adopted varying standards to determine essentiality.

In the early '60s, Justice Gajendragadkar, a staunch proponent of Hinduism, widened the scope of the essentiality test in the *Durgah Committee, Ajmer vs. Syed Hussain Ali* judgement. He decreed that it is not enough for a practice to be essential to a religion, it should also be rational. In other words, he said that 'superstitious beliefs and practices' though considered essential to a religion, will not be afforded constitutional protection (Dhavan, 1987:223-224; Fuller, 1988:228-229). A couple of years later, while deciding the *Tilkayat Shri Govindlalji Maharaj vs. State of Rajasthan* case, Justice Gajendragadkar stated that in determining what is or is not essential to a religion, one must keep in mind the perception of the religious community whose beliefs or practices they are (Baird, 1976:54; Fuller, 1988:229). This position meant that if a religious community feels that a certain practice is essential to its religion, then it must be given constitutional protection.

Once again, Gajendragadkar's pointers have limited utility. What if there is no unanimity in a community about its religious beliefs and practices? The judge said that in such cases, the courts will have to settle the question. In doing so, it will have to go by two criteria: the evidence produced regarding the 'conscience of the community'; and, the tenets of the religion (Baird, 1976:54). In addition, the judiciary also has ruled that in all cases concerning religion, the judges should take a common sense view of things and be guided by practical considerations. Sifting the relative claims of two or more 'consciences of the community' is often tricky; and, in some cases, not justiciable at all. Also, given that religions are invariably multivalent and plural, how does one determine the tenets of a religion? The courts have almost invariably relied on the textual tradition for this purpose. Consequently, they have paid scant attention to the non-text based 'little tradition' of millions of low caste Hindus. Equally problematic is the nebulous point about the 'common sense view' and 'practical considerations.' In actual practice, these loose directives translate into the ideological predilections of individual judges.

In any case, as things stand today, the courts are the competent authority to determine essentiality, the rational and superstitious aspects of religion, the perceptions of a religious community, and the quintessence of religions. They play a reformist role for which they seem to be rather ill-equipped. Judges have to decide a variety of extremely complex issues of religion and law that call for painstaking research and an awareness of the subtleties of a multitude of faiths. Given the limitations of resources and the docket explosion in the courts, India's overworked judges have not always been able to deliver satisfactory judgements. And yet, the state has not cared to rectify the anomalies stemming from the lack of reasonably clear cut, workable solutions. True, it cannot be denied that the complexity and the magnitude of the problems of sorting out jurisprudential issues of myriad sects and religions, each with their own characteristics, defy simplistic solutions. Also, at times, the state would be wise to leave it to the judiciary to decide cases from a practical, commonsensical perspective, based on their specific merits.

Having said this, it cannot be anyone's case that the laissez faire policy of the state is the only proper response for tackling issues of religion and secularism. What is called for is a nuanced middle ground between the demands of secularism with its emphasis on minority rights and the need to preserve one's religious freedom. Demanding though this task is, it has to be attempted and a beginning has to be made somewhere. As successive governments refuse to even approach the issue, the responsibility has devolved on the courts. Since the judiciary has not emancipated itself from the jinxed Anglo-Saxon tradition of perfecting judicial acuity through a slow accretion of case laws, secularism is thwarted even in the corridors of justice. Occasionally a progressive Bench imparts meaning and content to secularism, as in the Bommai case, which I shall discuss momentarily. Even then, there is no guarantee that subsequent judicial treatment of the concept will carry forward the trend, to say nothing of attempts to neutralise it by reading a majoritarian interpretation into secularism.

As they evolve guidelines, the courts have invested themselves with enormous powers to virtually define the scope and limitations of the domains of secularism and religion. One would think that in a democracy, such powers should be the prerogative of the parliament. But if the legislative bodies are happy to abdicate their powers and responsibilities, then it is because the judiciary is fulfilling them exactly as they want it to. More importantly, it spares these bodies the odium of taking decisions that might be unpopular

SECULARISM, RELIGION, AND THE JUDICIARY

Broadly speaking, major judicial verdicts on religion and secularism fall into two categories: first, those that have attenuated the cause of secularism even in instances where the ruling has apparently gone in favour of the minorities; and, second, those that have bolstered the forces of Hindu nationalism. To the former category belongs the case of *Saifuddin Saheb vs State of Bombay* (Baird, 1976:57-59; Sathe, 1968:77).

In this case, the bone of contention was the Bombay Prevention of Excommunication Act of 1949. The provincial government enacted this law to curtail the right of the Dai-ul-Mutlaq, the Head of the Dawoodi Bohra community, to excommunicate 'errant' members of his flock. It wanted to ensure that the civil rights of Bohras were not jeopardized by the religious leaders of the community. But the Dai argued that taking away his right to excommunicate was an infringement of his freedom of religion. The Bombay High Court was divided on this case. The majority decision quashed the law and upheld the Dai's right on the ground that excommunication is a legitimate religious practice aimed at maintaining discipline and solidarity in the community. The minority judgement decided against the Dai's right because it felt that excommunication has the effect of abridging the civil rights of an individual and treating him/her like an untouchable which was not permitted under the Constitution. Clearly, while the former concerned itself solely with the religious aspect of the dispute, the latter emphasized the civil rights of those excommunicated.

The Supreme Court heard the case and declared the Bombay Prevention of Excommunication Act unconstitutional on the ground that it contravened the right to freedom of religion. Progressive circles mordantly criticized the judgement, but Hindu nationalists warmly applauded it. Public opinion, thus, was sharply divided. The *Saifuddin Saheb* case is an instance where the courts seemed to be somewhat excessively concerned about religious freedom. One can argue that the judgement gave a fresh lease of life to religious obscurantism and hence enervated secularism.

Another case in which the judiciary delivered a controversial judgement concerned the legality of banning cow slaughter. In 1958, the Supreme Court considered the constitutional validity of three provincial legislations banning the slaughter of cows in the *Mohd. Hanif Quareshi vs State of Bihar* case (Baird, 1976:60; Fuller, 1988:235; Sathe, 1968:76; Smith, 1963:488-89). Several Muslim butchers appealed against the legislation because they felt that it compromised their religious freedom by preventing them from slaughtering cows at the *Bakr-Id* festival. The Court rejected their contention because it felt that sacrificing cows was not an essential part of the practice of Islam. Citing verses from the Quran and the Hadith, the Supreme Court pointed out that Islamic scriptures provided the option of sacrificing a goat for one person or a cow or camel for seven persons.

It is moot question as to how authentic the court's interpretation was, given that it could claim no special competence in Islamic scholarship. Besides, it neither sought the help of Islamic theologians nor did any of them depose as experts. In any case, since the court held that the sacrifice of a cow was not obligatory, it decided that banning cow slaughter did not interfere with the Muslims' freedom of religion. The judgement, even if legitimate in one sense, failed to take note of the practical problems of the Muslims. It is far cheaper for seven Muslims to sacrifice a cow than it is for one Muslim to sacrifice a goat (Sathe, 1968:76). Inasmuch as the impugned legislations rendered the discharge of religious obligations difficult, they were indeed unconstitutional. But the Court did not attach much significance to such practical issues.

The judges also decided that the total ban on the slaughter of all cows and calves of all ages was legitimate because this step was in consonance with Article 48 of the Constitution.[40] In the case of she-buffaloes, working bullocks, and breeding bulls, however, the court held that their slaughter should be banned so long as they are useful. Once they ceased to be useful, they could be slaughtered. Significantly, the Supreme Court did not invoke a similar criterion of usefulness in the case of cows (Smith, 1963:488). Smith criticized the Court's "attempt to justify the discrimination" as "a curious bit of reasoning"(ibid.).

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[40] Article 48 is enshrined in Part IV of the Constitution which deals with the Directive Principles of State Policy. The Directive Principles are not judicially enforceable; they are meant to be general guidelines for policy making. Article 48 deals with the organization of agriculture and animal husbandry and reads as follows:

> The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle (Majumdar and Kataria, 1996:21).

Not only the final effect of the court's verdict, but also the logic it invoked is open to question. While deciding the Quareshi case, the judges noted that though the religious sentiments of the Hindus were also involved, that would be only one of the several elements in deciding the merits of the case (ibid.). Their disavowals notwithstanding, they were swayed considerably by the discourse of Orientalist Hinduism.[41] Thus, the judgement dwelt at length on the cow's divine status in Hinduism and why it was considered sacred. Interestingly, the judges conceded that during the Vedic period, the sacrifice of cows and other animals was routinely practised (quoted in Fuller, 1988:235). If the Vedas were considered sacrosanct, then the legislations in question were anti-Hindu. Ignoring this contradiction, the judges pointed out that over a period of time the cow acquired a holy status and its slaughter was forbidden (ibid.). The burden of their effort seemed to be that first, cow slaughter was irrelevant to the practice of Islam; and, second, that banning it was consistent with the principles of Hinduism, though this issue was not before the court.

The laboured logic of the judgement barely masqueraded the judicial eagerness to provide the stamp of legality to what was an attempt to embed a neo-Hindu practice in the Constitution. For example, contrary to the claims of the judges, till very recently, the cow was not considered a sacred animal. Since the colonial period, upper caste Hindus have fetishized the cow and used it as a potent symbol for unifying disparate Hindu sects, castes and sub-sects (Hasan, 1991:217-18; Pandey, 1991:2998). Furthermore, the Vedas not only sanction the sacrifice of cows but also beef eating. It is well-known that the Vedic seers themselves were beef eaters ! In the sixth century BCE, Jainism and Buddhism revolted against the elaborate, ritualist sacrifice of animals and emphasized *ahimsa* (non-violence). In their struggle against colonialism, the nationalists forged Hinduism by selectively retrieving elements from the diverse traditions of India with the intention of asserting the superiority of the Indian civilization vis-a-vis that of the colonial powers. Non-violence and the sacredness of the cow came into prominence as part of this political exercise. By ignoring the historical evolution of the sacredness of the cow for the Hindus, the Supreme Court, unintentionally perhaps, ossified what was till then, legally, an amorphous concept.

The polemical issue of banning cow slaughter has a long and chequered political history beginning from the colonial period. After independence, Hindu revivalists demanded that cow slaughter must be banned completely. Both Gandhi and Nehru were of the opinion that accepting this demand would be "a concession to Hindu bigotry" and hence should be avoided (Gopal, 1988:2466). Nehru, however, came under intense pressure from conservative Hindus cutting across party lines and, as a compromise, he reluctantly agreed to incorporate it in the Directive Principles of State Policy (Smith, 1963:483-89). Though judicially unenforceable, once the need to ban cow slaughter was mentioned in the Directive Principles, several provinces passed legislation against killing cows, citing the constitutional directive, but mainly to humour the largely conservative Hindu voters.

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[41] For an interesting analysis of the orientalist constructions of Indian history, philosophy, culture, and society, see Inden, 1986.

The Quareshi case was the earliest occasion for the courts to examine the legal validity of banning cow slaughter. Keeping in mind the Hindu revivalist forces behind the impugned legislations and the fact that they could strain the secular fabric of the country, the Supreme Court could have struck down the statutes. The case provided a momentous opportunity for the Court to send a strong message to politicians that they cannot adopt unsecular methods for political purposes. Also, the judges could have assured the minorities, still reeling from the catastrophic effects of the partition, that their interests would be safeguarded by the judiciary. Unfortunately, the Supreme Court squandered this opportunity. It betrayed its ideological preferences, particularly when it refused to apply the usefulness criterion for slaughtering cows.

That the judges decided in a biased manner is proven by the admission of Justice Gajendragadkar, one of the judges on the Quareshi Bench. Accepting Smith's criticism mentioned above, long after deciding the case, he candidly stated:

> Although I was a party to the *Hanif Quareshi* decision, I cannot deny that there is some force in the comment made by Smith. The truth of the matter is that in providing for a ban on the slaughter of cows and calves, and other milch and draught cattle in the last part of Article 48, the Constitution, in effect, treated the Hindu sentiment as both relevant and valid in laying down the directive principle (Gajendragadkar, 1971:129-30).

Those who still doubt the importance and effectiveness of judicial verdicts must recall that soon after the Quareshi decision in 1958, the Hindu right comprising the Bharatiya Jan Sangh (the earlier incarnation of the BJP) and its allies launched a massive, nation-wide agitation in the early '60s demanding a total ban on cow slaughter. It would not be far-fetched to argue that the courts could have pre-empted the anti-cow slaughter movement by clinching the issue once and for all.

JUDICIAL EXEGESIS ON HINDUISM AND HINDUS

If the anti cow slaughter case indirectly favoured the Hindus, in two other cases, the Supreme Court directly favoured the Hindu nationalists by providing an exegesis on Hinduism that was identical to theirs. In 1966 the Supreme Court decided the *Shastri Yagnapurushdasji vs Muldas Bhundardas Vaishya* case,[42] well -known as the Satsang case.

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[42] The Shastri Yagnapurushdasji case, popularly known as the *Satsang* case, arose from the refusal of the Swaminarayan sect to allow the untouchables entry into its temples. In 1947, the erstwhile province of Bombay passed the Temple Entry Act which stipulated that every temple should open its doors to the untouchables as it does for other members of the Hindu community. In 1950 the Indian Constitution came into effect making untouchability an offence. The members of the Swaminarayan sect -- followers of an orthodox Vaishnavite guru Swami Narayan (1780-1830) -- refused to obey the temple entry law. They filed a case stating that since they were not Hindus but a distinct and separate religious sect, they should be exempt from the Act. The case went up to the Supreme Court which decided that Swami Narayans were indeed Hindus and so they had to obey the new

Ten years later, in 1976, it adjudicated the *Commissioner of Wealth Tax, Madras, and Others vs Late R. Sridharan by L.Rs*[43] case (1976). Both cases are prominent in the annals of contemporary jurisprudence in India, particularly because they both go into the question of what constitutes Hinduism and who is a Hindu.

A major 'accomplishment' of the two judgements was that they firmly entrenched an upper caste, elitist vision of Hinduism. In the Satsang judgement, while trying to define Hinduism, the judges referred to the absence of Semitic features in it and declared that "it may be broadly described as a way of life and nothing more" (quoted in Galanter, 1989:242). And yet, the Supreme Court discovered what it called "certain broad concepts which can be treated as basic," underlying the diversity of Hinduism (ibid., p. 243). It identified them as: acceptance of the Vedas as the highest scriptural authority, belief in pre-existence and reincarnation; and, the notion that emancipation from the cycle of birth-death-rebirth, variously described as *moksha* (salvation), *nirvana* (a blowing out) and so on is the *summum bonum* of life (ibid.). We have seen that such sweeping generalizations have little empirical validity.

As in the Satsang judgement, in the Sridharan case also, the judges reiterated that Hinduism was difficult to define with precision and yet there were certain characteristics common to all sects, faiths, and groups within it. Common to both decisions was their Procrustean attempt to essentialize the plural traditions of Hinduism. Both judgements also outlined the shared features of the diverse religious traditions of the Hindus alone and not that of all Indians.

Of the two cases, the Satsang case is more notable because it contains a lengthy discussion on Hinduism and who is a Hindu. I have stated earlier that the Supreme Court's conception of Hinduism is Brahmanical and homogeneous. Another point that deserves emphasis is that its disquisition was entirely unnecessary, mainly because the followers of Swaminarayan had conceded in their affidavit that they were Hindus 'socially and culturally'(Galanter, 1989:247). Besides, as Galanter stresses, between the rights enshrined in the Temple Entry Act and those of the denominations that objected to the entry of 'outsiders,' the clear legal position was that the former would prevail (ibid., p. 248). The question, then, is: why did the five judge Bench feel compelled to lay out the fundamentals of 'Hinduism' and define a Hindu, when they themselves had stated in an earlier part of the judgement that these terms defy rigid definitions? Explaining the judges' motives, Galanter

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legislation. This judgement tried to define who is a Hindu and who is not. It caused a great deal of resentment and was much criticized in conservative and scholarly circles alike. For a brilliant analysis of this case, see Galanter, 1989.

[43] This case came up in 1976 in the context of a dispute regarding tax laws. The Commissioner of Wealth Tax held that a Hindu and his son born of a Christian woman formed a joint Hindu family for the purpose of assessing wealth tax. The issue before the Supreme Court was whether the son of a Hindu father and a Christian mother was a Hindu. The court once again went into the question of who is a Hindu and pronounced that under the Hindu Marriage, Succession, Minority, Adoptions and Maintenance Acts, the son of a Hindu father and a Christian mother is indeed a Hindu.

states:

> It represents in a pronounced form one tendency which is to be found among the judiciary and more generally, among the Westernized, educated ruling elite -- a tendency to active reformulation of Hinduism under government auspices in the name of secularism and progress (1989:249).

According to Galanter, one of the judges, Justice Gajendragadkar, believed in the utility of a reified Hindu discourse and felt that the judiciary must legally uphold its sanctity (1989:248). He was particularly opposed to the doctrine of essentiality in determining the tenets of a religion because he felt that such 'auto-determinism' would permit superstitious practices and beliefs and hence impede progress. During his tenure, he wrote judgements that consciously sought to move away from 'auto-determinism' and Galanter argues that as the Chief Justice presiding over the Satsang case, he saw a great opportunity to embed Hinduism in the legal discourse (ibid.). The net effect was that the Satsang judgement provided an ironclad framework for forging a pan Hindu identity. More important, it set an ominous precedent for a number of subsequent cases concerning religion, secularism, and the minorities.

IMPACT OF THE SUPREME COURT'S RULINGS ON HINDUISM

An important consequence of the Supreme Court's pronouncements on religion has been that the lower echelons of the judiciary have also delivered judgements that iron out diversity and try to cast variegated traditions within a master narrative of Hinduism. As proof, one can cite the *Acharya Jagadishwaranada Awadhoot vs Commissioner of Police, Calcutta*, case (1983)--popularly known as the Ananda Marg case. In this case, the court ruled that the Commissioner of Police in Calcutta was right in denying the Ananda Margis--a Hindu sect following tantric practices--permission for a procession performing the *tandava* dance on the thoroughfares of Calcutta, not because it would disrupt public order, but because the *tandava* was not an essential part of Hinduism.

Similarly, in a recent case that might seem trivial, the judiciary once again revealed its Hindu proclivity. In 1983, the Chairman of the United India Insurance Company, a public sector undertaking based in Madras, got 5000 greeting cards printed at a cost of Rs. 25, 000 (approximately $1000) to the Company (Suresh and Nagasaila, 1992). The card, bearing the name and logo of the government enterprise, had the Hindu symbol 'OM'[44] printed prominently in Sanskrit on the outer cover. Printed inside in Sanskrit was the Gayathri

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[44] The concept 'OM' has mystical significance in Brahmanical Hinduism. Lately, Hindu nationalists have retrieved it from the repertoire of Hindu traditions to serve as a symbol for uniting all Hindus. Thus, at its 1979 World Conference, the VHP (World Hindu Council) laid down that "'OM' is the celestial replica of God" and that all Hindus must wear the symbol OM around their neck and inscribe it on "books, diaries, exercise books, visiting cards, letterheads, purses, vehicles etc." For details, see McKean, 1996:111.

mantra[45] and its English translation. In addition to the usual message of greetings, the card urged the addressee to chant the Gayatri incantation five times a day and described how it should be done.

The Dravidar Khazagam, a rationalist body based in Tamil Nadu, filed a case in the Madras High Court alleging that since the Chairman had spent money from a public sector company for promoting a Hindu concept, he had violated the norms of secularism. It pointed out that the Gayatri *mantra* was part of the Brahmanical orthodoxy and was strongly associated with upper caste Hindus. In fact, Brahmanical scriptures expressly forbid women and the lower castes from reciting the *mantra* and even hearing a Brahmin recite it! The Khazagam argued that using the funds of the government to promote a religious concept was unconstitutional and hence the Chairman must be restrained from misusing public funds (ibid.).

The Madras High Court dismissed the petition and upheld the action of the Chairman of the Insurance Company. Disagreeing with the petitioner's contention that the Gayatri *mantra* had Brahmanical associations, the judge explained how it was "the key to Vedic wisdom," had relevance for the whole of humankind and was "not limited to any particular religion, race, caste or community" (ibid.). Interestingly, while reiterating that secularism, according to the Constitution, meant that the state should not identify itself with any particular religion and treat all of them with equal respect, he saw nothing wrong in promoting a Hindu concept. What would the judge have done if a Muslim Chair of the Company had printed something from the Quran with a note on how to recite the Quranic verses? Admittedly, this is a trivial case, yet it is important when one realizes that in case after case, the judiciary has upheld the validity of Hindu norms and taken upon itself the task of justifying them. As in several other cases I have discussed, the judge did not take note of the communal associations of OM and the mantra with Hindutva. But this is not all. There are instances where judges have gone well beyond their judicial authority to reify a patriarchal, received version of Hinduism.

SUPREME COURT'S INTERPRETATION OF SECULARISM

In the last five decades, the courts have dealt with umpteen cases in which sacred and secular issues imbricate resulting in confusion and disputes. In most the cases, the rulings of the courts have not clearly distinguished the one from the other. In instances where they have drawn a line, it seems to be the product of such torturous and tenuous reasoning that it does not lend itself to a general precedent. As I mentioned earlier, a number of such cases could be averted if only the courts clearly explain what secularism means and implies under the

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[45] The Gayatri mantra is a religious/mystical incantation that is central to Brahmanical orthodoxy. Devout Hindus repeat it several times every day in the hope of acquiring merit. Its English translation, printed in the greeting card, was as follows: 'I meditate on the divine effulgence of my adorable Lord, who is known as OM the transcendental one, who is the propeller and sustainer of the three worlds, who is to be sought after, worshipped and realised. May He enlighten our intellect and bless us with wisdom.'

Indian Constitution. Unfortunately, the Court has consistently refused to address this issue.

The earliest juridical affirmation of secularism came in the *Keshavananda* verdict[46] in the early 1970s. In this historic judgement, the Supreme Court laid down, *inter alia,* that the Indian Constitution has a basic structure which the Parliament cannot tamper with and that secularism is a part of it. Thus, it laid the secure foundation of secularism by affirming its inviolability and took away from the Parliament the right to meddle with, modify, substitute or reject it. Secularists and civil liberties activists alike applauded the Supreme Court's ruling and thought that it had rendered secularism invulnerable. However, this was only partly true. While the Court had upheld secularism, it did not lay down norms for its implementation. Nor did it specify what acts of omission or commission would constitute its abuse and violation, mainly because secularism was not central to the facts of *Keshavananda*.

Not until the violations reached egregious proportions in the early 1990s did the judiciary have an occasion to reaffirm the supremacy of secularism. Two decades after *Keshavananda*, the Supreme Court once again elaborated on the pivotal role of secularism in the Indian Constitution and polity. The opportunity presented itself through what is now popularly known as the Bommai case.

THE BOMMAI CASE

On December 6, 1992, Hindu nationalists demolished the Babri mosque at Ayodhya in Utter Pradesh on the specious ground that the Mughal invader Babar had built the mosque after razing a Ram temple that stood in its place. Following the demolition, widespread Hindu-Muslim riots broke out resulting in the deaths of hundreds of Muslims. The demolition took place in spite of the assurances of the BJP Chief Minister of Utter Pradesh, Mr. Kalyan Singh, to the Supreme Court that the disputed monument would be protected and no untoward communal incidents would be allowed. After the sacrilege, on Dec. 10, 1992, the Congress led federal government banned communal bodies like the RSS, the VHP, the Bajrang Dal and the Jamaat-e-Islami Hind, citing their role in instigating riots and in spreading communal hatred. It also dismissed the BJP led provincial governments in Madhya Pradesh, Rajasthan and Himachal Pradesh because they had failed to maintain law and order. The federal government also had apprehensions that the BJP governments might not implement the ban on Hindu religious bodies like the RSS, the VHP and the Bajrang Dal with whom they were politically associated. The BJP government in Utter Pradesh tendered its resignation soon after the demolition. On Dec 15, 1992, the federal government imposed President's Rule[47] under Article 356 of the Constitution in the four BJP ruled provinces after dissolving their state assemblies.

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[46] The case centered around a citizen's challenge to the federal government's amendment to the right to private property. The court upheld the government's amendment that the right to private property was not a fundamental right and ruled that the government reserved the right to abridge it in public interest. In arriving at this decision, the court considered the scope and parameters of the Indian Constitution and the Parliament's power to amend, abridge or abrogate it. It posited, for the first time, that the Constitution had a basic structure (which included secularism) and that the Parliament did not have right to alter it. The implication of the court verdict was that Parliament did not enjoy unfettered powers, particularly, it did not have the powers to abrogate certain fundamental rights. For details, see Rao,
1988:27.

All three dismissed BJP governments challenged the validity of the President's Rule in the High Courts of their respective states. In their appeals, the state units of the BJP alleged that the Presidential order was mala fide, politically motivated, and based on no hard evidence. They argued that the communal violence that rocked their provinces was not uncommon, and, in fact, was more frequent in the provinces ruled by the Congress. The BJP cited the instance of Maharashtra where unprecedented riots broke out in Jan. 1993 in several places including Bombay resulting in the death of around 550 people and colossal loss of property. Yet, the Congress government of Mr. Sudhakar Naik, then ruling the province, was left undisturbed. The BJP also pleaded that since its government in Utter Pradesh had owned responsibility for the demolition of the Babri mosque and resigned forthwith, its governments in the other three provinces, Madhya Pradesh, Himachal Pradesh and Rajasthan, ought not to be dismissed.

In its counter affidavit, the Central government argued that the BJP had adopted an openly belligerent stance regarding the disputed structure and was responsible for its demolition. In fact, the demolition and the subsequent construction of a Ram temple were the main poll planks of the BJP and were part of its election manifesto. Since it came to power on this plank, the BJP had been mobilising men and materials for the demolition of the mosque. The Central government accused the BJP of not only spreading communal discord but also of irreparably damaging the secular fabric of the nation.

The Madhya Pradesh High Court upheld the appeal of the BJP and declared President's Rule unconstitutional. The federal government appealed against the verdict in the Supreme Court. Since significant constitutional issues concerning federalism and secularism were involved, the Supreme Court transferred to itself the BJP's appeal pending in the Himachal Pradesh High Court and the Rajasthan High Court. At that time, the Supreme Court was also hearing a case from Karnataka involving the 'wrongful' dismissal of the Janata Dal government of Mr. S. R. Bommai in 1989. Similar cases of alleged misuse of Article 356 in Nagaland (1988) and Meghalaya (1991) were also pending before the High Courts in Nagaland and Meghalaya. Hence, the Supreme Court transferred all these cases to itself and a nine judge Constitution Bench heard them jointly as part of the Bommai case.

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[47] The founding figures of the Indian Constitution favoured the idea of a strong federal government with the power to dismiss democratically elected provincial governments because, soon after independence, the state had to find ways of welding the different regions and principalities into one strong nation. The troubled accession of Kashmir, Hyderabad, and Goa underscored the importance of affirming the supremacy of the federal government vis-a-vis the provincial governments. This practice has led to anomalies in Indian federalism and created imbalances between both levels of government. As things stand, under Article 356, the federal government can legally dismiss a provincial government and impose President's Rule if it is convinced that the latter cannot discharge its Constitutional obligations.

The Supreme Court upheld the dismissal of the BJP led provincial governments in Rajasthan, Madhya Pradesh and Himachal Pradesh in December 1992 by a six to three majority. Six judges were of the view that the actions of the BJP governments were inconsistent with secularism and hence violated the Constitution. They also declared as unconstitutional the federal government's use of Article 356 in Karnataka, Meghalaya, and Nagaland.

The Bommai verdict marked a watershed in Indian politics because it not only brought under the scrutiny of the highest judicial forum the constitutionality of secularism and federalism but also resulted in the first judicial pronouncement on the adverse consequences of flouting them. In a ruling of far-reaching consequences, the majority judgement laid down, *inter alia*, as follows: First, it reiterated that secularism is part of the basic structure of the Constitution.[48] Second, it declared that any government following unsecular policies or actions would be amenable to action under Article 356. Third, the judgement categorically stated that 'politics and religion cannot be mixed' and that in India no political party can simultaneously be a religious party.

To begin with, the judgement reaffirmed the meaning of secularism as 'equal respect of all religions.' In the course of the hearing, the advocate for the BJP, Ram Jethmalani, had argued that "secularism is a vague concept, not defined in the Constitution and hence cannot furnish a ground for taking action under Article 356" (*Judgements Today*, 1994:367). The judges rejected this contention. What, then, is the exact meaning of secularism? While conceding that the expressions 'socialist' and 'secular' were "not capable of precise definition," Justice Jeevan Reddy held that the various provisions of the Constitution, particularly Articles 14 though 30 contain the essence of secularism (ibid.). In his view, "*...Secularism is...more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions*" (ibid., p. 368, italics in the original).

As a guide to official policies, the doctrine of 'equal treatment of all religions' is not particularly helpful. How is one to understand and operationalize this notion? Does it mean that the state should provide equal patronage to all religions? If so, then is it not a recipe for creating a multi-theocratic state with the religion of the majority, i.e. Hinduism, enjoying greater leverage than those of the minorities? If secularism is the equal treatment of all religions, then how can the Constitution include Sikhs, Buddhists, and Jains, followers of three distinct religions, within the rubric of Hinduism as it does in Article 25?

Similarly, the judges' decision that actions contrary to secularism were unconstitutional and *prima facie* grounds for legal action does not lend itself to easy implementation. Exactly, what is the litmus test for determining that an act is 'unsecular'? Who is to determine whether or not an act is 'unsecular'? As we have seen, the federal government led by the Congress did not dismiss the provincial government of Maharashtra-- also under Congress control in 1992-93-- along with the BJP governments in spite of its inaction in preventing the massacre of Muslims.

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[48] Seven of the nine judges on the Bench ruled that secularism is a part of the basic structure of the Constitution. Only two judges, Justice R. S. Verma and Justice Yogeshwar Dayal did not pronounce any opinion in this matter.

More to the point, aside from glaring instances of atrocities against the minorities, do official policies aimed at disenfranchising the minorities or obliterating their cultural identity, count as 'unsecular' acts? A good example is the official neglect of Urdu, the language of the Muslims. In Utter Pradesh, a province with a sizable Muslim population, successive governments have dislodged Urdu from its position as an official language bowing to pressures from Hindi/Hindu enthusiasts in the Congress and the BJP.[49] Only recently, the governments of Utter Pradesh and Bihar have recognized Urdu as the second official language. Consequently, millions of Muslims not well versed in Hindi have lost out in the race for jobs and official favours to their Hindi counterparts. Aren't ill-conceived official policies that abridge the educational and cultural rights of the minorities, 'unsecular' acts? If yes, then by this token, several provincial governments currently in power and even the federal government can be charged with flouting the Constitution. Likewise, don't acts of omission constitute 'unsecular' acts, such as the more common instances of deliberate official apathy in bringing to book the instigators of communal riots, even those found guilty by judicial commissions of enquiry? By not clearly specifying how the 'equal treatment of all religions' translates in administrative and policy terms, and by not stating what actions are or are not in keeping with secularism, the court, at best, expressed its noble intentions toward the minorities while leaving their real concerns unattended.

Three judges on the Bommai Bench--Justices J. S. Verma, Yogeshwar Dayal and A. M. Ahmadi-- voiced their concerns about distinguishing the secular from the unsecular, though not in so many words. All three of them were of the opinion that the basis for clamping the President's Rule in Madhya Pradesh, Himachal Pradesh, and Rajasthan was not justiciable. In his judgement on behalf of Justice Dayal and himself, Justice Verma underscored 'or otherwise,' a crucial phrase in Article 356[50] to rest his case that it involves 'several imponderables' that resist justiciability.[51] The dissenting judgements recognized that when secularism is vaguely defined, decisions based on their supposed violation cannot always be free from the taint of politics. Hence the minority judges (except Justice Ahmadi) reserved their opinion on secularism. However well-founded, their silence on secularism can lend itself to arguments for obliterating it from the Constitution. Or worse, it could be used for imparting a Hindu majoritarian content to the concept, something that the Hindu right has been strenuously attempting to do. This having been said, it must acknowledged that the majority judgements, though well-intentioned, do not seem to have paid much attention to the legitimate objections raised by the minority verdicts. The clarifications they offer are themselves not free from ambiguity.

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[49] For details about the politics of Urdu, see Rahman (1999) and Russell (1999).

[50] The relevant portion of Article 356 reads as follows:

> If the President, on receipt of a report from the Governor of a State *or otherwise*, is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation -
>
> a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State; .... *(sic)* (Majumdar and Kataria, 1996:170, emphasis provided).

[51] The relevant portion of Justice Verma's judgement is as follows:

Arguably, the most contestable part of the Bommai verdict concerns the injunction against the fusion of religion and politics. Accentuating this point, Justice Reddy ruled:

> If the Constitution requires the State to be secular in thought and action, the same requirement attaches to political parties as well. The Constitution does not recognise, it does not permit, mixing religion and State power. Both must be kept apart. That is the constitutional injunction. None can say otherwise so long as this Constitution governs the country. Introducing religion into politics is to introduce an impermissible element in the body politic and an imbalance in our constitutional system. If a political party espousing a particular religion comes to power, that religion tends to become in practice, the official religion. All other religions come to acquire a secondary status, at any rate, a less favourable position. ......Under our Constitution, no party or organisation can simultaneously be a political *and* a religious party. It has to be either (ibid., 371, italics in the original).

Given the peculiar socio-political, historical and religious background of India, we have seen that the total separation of religion and politics is virtually impossible. To acknowledge this difficulty is not to argue for letting religion run amok in politics. It calls for a realistic appreciation of the boundaries demarcating religion and politics. The Constitution stipulates that the state shall concern itself with the secular aspects of religion, i.e. the management and administration of religious bodies, temples, trusts, and endowments. Yet, in actual practice, the distinction between the sacerdotal and the secular is hard to maintain. The administration, management or supervision of the latter are bound to influence the popular perception and practice of the former. For instance, changes in the scale, range, frequency, and order of temple rituals driven by purely administrative reasons, invariably affect the way the laity think about and perceive their religion. Again, this is not always the

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> The expression '*or otherwise*' in Article 356 indicates the wide range of the materials which may be taken into account for the formation of opinion by the President. Obviously, the materials could consist of several imponderables including some matter which is not strictly legal evidence, the credibility and authenticity of which is incapable of being tested in law courts. The ultimate opinion formed in such case would be mostly a subjective political judgement. There is no judicially manageable standards for scrutinising such materials and resolving such a controversy. By its nature, such controversy cannot be justiciable....*(sic)* (*Judgements Today*, 1994:244, emphasis in the original).

case and the state, through a fine balancing act, can restrict its role as much as is possible to 'secular' issues concerning religion. The point, however, is that in practice, when the Constitutionally mandated compartmentalization between religion and the state is fraught with challenges, how realistic is it to expect political parties to refrain from invoking religion? Especially in India, religion often is a primordial source of identity.

The attempts to institutionalize religion and appropriate its considerable material and symbolic resources are as old as religion itself. Political parties can scarcely resist the temptation to harness religion to partisan ends. The Supreme Court verdict seems to rest on the questionable premise that the adoption of and judicial emphasis on secularism will rid politics of religion. True, one of the objectives of secularism is to ensure that religious forces do not dominate over the affairs of the state. Yet, legislative measures, administrative fiats, and judicial orders by themselves are poor substitutes for concrete political action against parties based on religion.

According to Justice Reddy, the secular Constitution of India lays down that no party or organisation can simultaneously be a political and a religious party; it has to be either. Among the reasons adduced, one is that soliciting electoral support in the name of religion, race, caste, or community of the candidate or the use of religious symbols or promoting hatred between citizens on grounds of religion, race, etc. for furthering one's electoral prospects is a corrupt practice under the Representation of People Act, 1951 (RP Act, henceforth). Also, as per Section 29A of the Act,[52] at the time of registration, every political party has to sign a declaration affirming its faith, among other things, in the principles of socialism, secularism, and democracy. A party that makes such a declaration and then solicits votes in the name of religion violates the principle of secularism. In so far as these statutes are aimed at curbing the unsavoury influence of religion on politics, they are laudable. But, as recent political developments testify, they have not succeeded in either arresting the growing hold of religion over politics or in minimizing the baleful activities of religious parties. Even the Bommai verdict has not improved the situation much.

Again, this is because of the basic definitional anomalies concerning secularism and religion. Defined nebulously as equal respect for all religions, secularism appears to give precedence to religion as a positive force and downplays its potential for engendering communal hatred. The official definition provides room for political mobilization based on religion without being accused of violating secularism. So long as such political activity is couched in 'civil language' and does not draw adverse attention, one can paradoxically claim to be secular and yet harness religion for political ends. Virtually all the mainstream parties, except the communists, have used this strategy. But when the competition is fierce and one of the players tries to out do others by adopting a shrill pitch, there is concern about the ominous effects of religion in politics and about the violation of secularism. Since the mid

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[52] In 1988 the Parliament amended the Representation of People Act, 1951 and added Section 29A which provided that every political party must to subscribe to 'secularism' and that this had to be stated clearly in their Constitutions. The government enacted the amendment to ensure that all political parties are committed to and abide by the principles laid down in the Preamble of the Constitution.

'80s, the BJP and its ally in Maharashtra, the Shiv Sena, have adopted this technique and reaped handsome electoral dividends. Their appeals for support for Hindutva (Hinduness) and Hindu nationalism struck a sympathetic chord among the voters. When accused of spreading communal bigotry, they argued that Hinduism/Hindutva is not a religion but 'a way of life.' Surprisingly, the same Court that delivered *Bommai*, upheld this argument in the *Hindutva* case as we shall presently see.

To quickly recapitulate the argument so far, aside from upholding the statist version of secularism and laying down that the unsecular acts of a provincial government are liable to attract the adverse provisions of Article 356, the Bommai judgement does not accomplish much in terms of secularism and offers little conceptual clarifications. Its injunctions against the unsecular acts of provincial governments do not extend to the federal government. If the federal government violates secularism, as it has done on several occasions in the recent years, the most prominent example being its shoddy handling of the Ram Temple issue, then who is to discipline it and under what provisions of the Constitution? Though this point was beyond the scope of the Bommai case, the judgement could have shed light on it through an obiter dictum.

The Supreme Court's strong assertion of the secular character of the Constitution is diminished by its desire to bring about a compromise between almost irreconcilable issues. It seeks to limit the damage done by official secularism by imposing unrealistic conditions on political parties regarding the separation of religion and politics. Well-intentioned though they are, the genuine delinking of religion and politics can come about only through concerted efforts at the political, ideological, socio-economic and legislative levels. The judiciary could have advanced this cause by addressing the very roots of the nexus between religion and politics, chief among which is the Hindu majoritarian reading of secularism. But it did not fully utilise the opportunity provided by *Bommai* to critically reinterpret secularism, primarily from the minority perspective.

It could be argued that the mandate of the courts is limited to the interpretation and judgement of the merits of the case before them and that sweeping legislative changes fall within the domain of the Parliament. Though this is generally true, in the last fifty years, the state has not seriously tackled the contentious issues surrounding secularism because it is politically inexpedient to do so. Not having any such constraints, the court ought to have provided a progressive interpretation[53] of the substantive issues of secularism. Still, if the limited achievement of the Bommai verdict must not be lost sight of, it is equally important not to uncritically celebrate it as the last word on secularism, as is the case in progressive and conservative circles alike. That such hasty and misplaced enthusiasm is counter productive became clear when the Court delivered retrograde verdicts in the Hindutva cases, ones that almost dissipated the achievements of *Bommai*.

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[53] In recent years, in several sensitive cases involving corruption in high places, the Supreme Court and the High Courts have taken bold steps to ensure that officials investigating these cases are not harassed by their political bosses. In a major money laundering/corruption case, popularly known as the Jain Hawala case, involving over 60 national level politicians, the Supreme Court directed that the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED) should report the progress in the investigations directly to the Court and not take orders from their political bosses including the Prime Minister. The Court took this unprecedented step because successive governments had stymied the prosecution of powerful politicians by harassing police officials for doing their work. In December 1997, the Supreme Court went way beyond its strictly judicial mandate to set new rules for the CBI and ED to break the 'criminal-bureaucrat-politician nexus.' For details, see *India Today* (international edition), Dec 29, 1997, pp. 30-31. The point I am trying to make is that in the corruption

THE *HINDUTVA* CASE

The Supreme Court delivered the Bommai judgement asserting the supremacy of secularism on March 11, 1994. Exactly 21 months later, on Dec 11, 1995, it virtually negated the impact of *Bommai* through its verdict in the *Hindutva* case[54] in which it ruled that appeals to Hindutva in election campaigns were not always a violation of the RP Act and that Hindutva--the quintessence of the Hindu nationalist ideology--just represented a 'way of life in the sub-continent.'

Between November 1987 and February 1990, the Shiv Sena and the BJP contested several elections to the Maharashtra State Legislative Assembly. The candidates defeated by the twelve Sena/BJP nominees filed civil appeals under the RP Act in the Bombay High Court alleging that the elected candidates had resorted to corrupt electoral practices by appealing for votes in the name of religion.[55] The Bombay High Court set aside the elections

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related cases, the Supreme Court has recognised the reluctance of the government to act purposefully and therefore, in the interest of justice, gone beyond the immediate cases and literally framed new, comprehensive rules encompassing significant issues of corruption. Its initiative has altered the scope, pace and character of prosecution of cases of corruption. The Court could have displayed a similar initiative regarding secularism by providing a progressive, minority oriented interpretation. It could also have stipulated norms for its adherence and those that would constitute its violation, an exercise somewhat similar to what it has done in the corruption cases.

[54] For a critique of the Hindutva verdict, see Cossman and Kapur, 1997.

[55] In the *Manohar Joshi vs Nitin Bhaurao Patil* case, the petitioner Patil alleged that on Feb 24, 1990, Mr. Pramod Mahajan, a BJP MP made several obnoxious remarks at a public meeting in Shivaji Park, Bombay. Prominent among them were : 1. "Save Hindutva, vote for BJP-Sena nominee," 2. "....If in Maharashtra the flame of Hinduism is extinguished, then anti-national Muslims will be powerful and they will convert Hindusthan into Pakistan. If the flame of Hindutva will grow then in that flame the anti-national Muslims will be reduced to ashes." *(sic)* 3. "Rajiv Gandhi speaking on Hindutva is like a prostitute lecturing on fidelity. The country is again heading for partition. It is, therefore, necessary that in these circumstances and to keep the flame of Hindutva alive, the alliance of BJP-Shiv Sena should be elected."*(sic)* For details, see *Manohar Joshi vs Nitin Bhaurao Patil, Supreme Court Cases*, vol. 1, 1996, pp. 189-190.

In the *Dr. Ramesh Yeshwant Prabhoo vs Prabhakar Kashinath Kunte* case, Bal Thackeray, the chief of Shiv Sena, appealed to Hindu voters to vote for Dr. Prabhoo as he too was a Hindu. He also made pejorative references to Muslims calling them 'snakes' and 'lende' (a foul expression in Marathi referring to those practising circumcision, i.e. Muslims). Other statements attributed to him were: 1. "We are fighting this election for the protection of Hinduism. Therefore, we do not care for the votes of the Muslims. This country belongs to Hindus and will remain so." 2. "...Anybody who stands against the Hindus should be showed or worshipped with shoes. *(sic)* A candidate by name Prabhoo should be led to victory in the name of religion." *(sic)* For details, see, *Supreme Court Cases*, of the Sena-BJP candidates holding them guilty under Sections 123 (3)[56] and (3A) of the RP Act . The High Court ruled that Sena/BJP candidates had violated the law by invoking Hindutva during their electoral campaigns and by making statements and speeches that spread communal hatred. Since in all the cases, the alleged abuse of Hindutva was involved, they were collectively known as the *Hindutva* cases.

Several unseated Sena and BJP candidates appealed the decisions of the Bombay High Court in the Supreme Court. They challenged the validity of Section 123(3) on the ground that it contravened the freedom of speech guaranteed under Article 19 (1)(a) of the Constitution. The appellants argued that the impugned statute prohibits even those election speeches that just mention religion without affecting public order, decency and morality, contempt of court, incitement to an offence and such other restrictions laid down under Article 19 (2). Their clinching averment was that Hindutva does not refer to a particular religion but to the culture of India and of all Indians, in general. Therefore, they claimed, invoking Hindutva does not constitute a corrupt practice under the RP Act.

A three judge Supreme Court Bench comprising Justices J. S. Verma, N. P. Singh and K. Venkataswami heard seven appeals and pronounced seven distinct but related verdicts. In all, twelve people, prominent leaders of the Shiv Sena and the BJP, were charged with violating the provisions of the RP Act. The most important issue before the Supreme Court was whether the victorious Sena/BJP candidates had invoked religion during their poll campaign to further their electoral prospects and hence indulged in corrupt practices.

In the *Dr. Ramesh Yeshwant Prabhoo vs Prabhakar Kashinath Kunte* case, popularly known as the the Prabhoo case, Dr. Prabhoo, won the election to the Maharashtra Legislative Assembly from the Vile Parle constituency in December 1987 as an independent candidate supported by the Shiv Sena. Shiv Sena supremo Bal Thackeray, who was Prabhoo's election agent, made three speeches in which he allegedly appealed for votes on the ground of his religion and that of his candidate. Both Thackeray and Prabhoo were charged with indulging in corrupt practices. The Bombay High Court indicted Thackeray for the three speeches and also held him guilty of making "derogatory reference to Muslims"

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vol. 1, 1996, pp.139-141.

[56] Clause 3 of Section 123 of the Representation of People Act, 1951, originally defined a corrupt electoral practice as "the systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion, for the furtherance of the prospects of that candidate's election.' Later, the term 'systematic' was repealed as a result of which even a single religious/communal appeal by a candidate or his agent during the election is considered enough to constitute a religious offence. Obviously, the idea was to ensure that religion/caste/community etc. were not misused even once for electoral purposes. Section 3A was also introduced through an amendment in 1961 to widen the scope of 'corrupt practice' under the RP Act. Aimed at checking 'communal and separatist tendencies,' it made the promotion or the attempt to promote feelings of enmity or hatred between different classes of citizens on the ground of religion, among other things, by a candidate or his agent or other persons with the consent of the candidate for the furtherance of his electoral prospects a corrupt practice. For details, see Nariman, 1996.

and thereby promoting enmity and hatred between Hindus and Muslims. Since Dr. Prabhoo's consent to these offensive speeches was proven, he too was pronounced guilty and his election was declared void. On appeal, the Supreme Court upheld the decision of the Bombay High Court, not because the appellants had invoked Hindutva but because of their other vituperative remarks. It also ruled that the mention of the terms 'Hinduism' and 'Hindutva' per se did not constitute an offence as they stand for 'a way of life or a state of mind.'

The Supreme Court dismissed Prabhoo's constitutional challenge to Sections 123(3) and (3A) of the RP Act and decided that they did not conflict with the freedom of speech guaranteed under Article 19(1) (a). On the question of invoking religion in election campaigns, the Court ruled that Section 123 (3) does not forbid the mention of religion per se. It stated that "(A) speech with a secular stance alleging discrimination against any particular religion and promising removal of the imbalance cannot be treated as an appeal on the ground of religion as its thrust is for promoting secularism" *(sic)* (*Supreme Court Cases*, 1996:131). To determine whether or not a speech falls within the mischief provisions of Section 123(3) and (3A), the Court laid down two parameters: first, that "(T)he substance of the speech and the manner in which it is meant to be understood by the audience determines its nature and not the camouflage by an artistic use of the language"*(sic)*; and, second, that since "...public speeches during election campaign ordinarily are addressed to an audience comprised of common men, ...the manner in which it would be understood by such an audience has to be kept in view" (ibid.). It reiterated that the main objective of the penal provisions of the RP Act is to check "....the tendency to promote or attempt to promote communal, linguistic or any other factional enmity or hatred" for winning elections (ibid.).

Having clarified these issues, the Court then addressed whether invoking *Hindutva* contravened the RP Act. It reviewed several previous Constitutional Bench decisions regarding the meaning and scope of Hinduism and ruled as follows:

> No precise meaning can be ascribed to the terms 'Hindu,' 'Hindutva' and 'Hinduism'; and no meaning in the abstract can confine it to the narrow limits of religion alone, excluding the content of Indian culture and heritage. Ordinarily, Hindutva is understood as a way of life or a state of mind and it is not to be equated with, or understood as religious Hindu fundamentalism. The word 'Hindutva' is used and understood as a synonym of 'Indianisation,' i.e., development of uniform culture by obliterating the differences between all the cultures coexisting in the country. The words 'Hinduism' or 'Hindutva' are not necessarily to be understood and construed narrowly, confined only to the strict Hindu religious practices unrelated to the culture and ethos of the people of India, depicting the way of life of the Indian people. Unless the context of the speech indicates a contrary meaning or use, in the abstract, the terms 'Hinduism' or 'Hindutva' cannot be confined merely to describe persons practising the Hindu religion as a faith and cannot be considered per se as depicting hostility, enmity or intolerance towards other religious faiths or professing communalism. Misuse of these expressions to promote communalism cannot alter the true meaning of these terms. The mischief resulting from the misuse of the terms by anyone in his speech has to be checked and not its permissible use. Fundamentalism of any colour or kind must be curbed with a heavy hand to preserve and promote the secular creed of the nation. Any misuse of these terms must, therefore, be dealt with

strictly (ibid., 134).

Convinced that Hinduism and Hindutva refer mainly to a 'way of life or state of mind,' and that they are synonymous with 'Indianisation,' the judges decided that it was a "fallacy and an error of law" to argue that "the words 'Hindutva' and 'Hinduism' per se depicted an attitude hostile to all persons practising any religion other than the Hindu religion" *(sic)* (ibid.). They further clarified as follows:

> It is the kind of use made of these words and the meaning sought to be conveyed in the speech which has to be seen and unless such a construction leads to the conclusion that these words were used to appeal for votes for a Hindu candidate on the ground that he is a Hindu or not to vote for a candidate because he is not a Hindu, the mere fact that these words are used in the speech would not bring it *(sic)* within the prohibition of sub-section (3) or (3A) of Section 123. It may well be that these words are used in a speech to promote secularism or to emphasise the way of life of the Indian people and the Indian culture or ethos, or to criticise the policy of any political party as discriminatory or intolerant. Whether a particular speech in which reference is made to Hindutva and/or Hinduism falls within the prohibition under sub-section (3) or (3A) of Section 123 is, therefore, a question of fact in each case (ibid., 134-135).

I quoted at some length from the judgement because it crucial to appreciate its language and logic, its tone and tenor to get a sense of how it promotes an anti-secularist Hindu nationalism. The sweeping assumptions of the judgement and their far-reaching consequences for political praxis created a great furore in legal, political and intellectual circles. While the Hindu right, understandably, hailed it variously as 'a bonanza' and a vindication of "its position on nationalism (as) being essentially a cultural concept" (quoted in Noorani, 1996:122), secularists and left-wing circles roundly criticized it for its elitist assumptions and its approval of the Hindu nationalist position.

Leading jurists critiqued the judgement for what they considered as its unnecessary 'disquisition' on Hinduism and Hindutva (Nauriya, 1996:11, Noorani, 1996:122). The facts of the Prabhoo case were clear, simple, and unmistakable. Purely on the merits of the case and the facts presented before it, the court dismissed Prabhoo's appeal and upheld his and Bal Thackeray's indictment. Where, then, was the need for the judicial obiter on Hinduism?

Further, if, as the judgement states, 'Hindutva' and 'Hinduism,' have no 'precise meaning,' or at least lend themselves to varying meanings, then should one not be mindful of who is invoking these concepts and to what effect? Used by the BJP and its allies, known for their antipathy towards the minorities, Hindutva ceases to be what the Court considers as 'a state of mind or a way of life.' It does not stand for the 'content of Indian culture and heritage,' but for a militant nationalist ideology. If this is an uncharitable construction, then minimally, one has to reckon with the fact that in the popular mind Hindutva is associated with issues concerning Hindus and Hinduism alone, not that of the whole of India. However, even if one accepts the Court's reading of Hindutva, the question whether the audience of an election meeting will understand the concept in that sense remains open.

The most serious lacuna in the judgement, as several scholars have commented, pertained to its exegesis on Hindutva (Cossman and Kapur, 1997; Nauriya, 1996; Noorani, 1996; Tarkunde, 1996). The issue before the Court pertained to the invoking of Hindutva more than Hinduism. The judges ignored the crucial distinctions between the two concepts and used them interchangeably. I will go into the consequences of this elision momentarily. In arriving at this conclusion, it relied on two previous decisions of five judge Benches in the Satsang case and the *Commissioner of Wealth Tax, Madras, and Others vs Late R. Sridharan by L.R*s case that I mentioned earlier. It is important to note that they deal with Hinduism and not Hindutva. As such, there was no need for invoking them.

Nevertheless, relying on these two cases, the three judge Bench in the Prabhoo case made a baseless, though crucial, extrapolation: it inferred that Hinduism and Hindutva pertain to the way of life of all Indians, including those belonging to distinct faiths like Islam and Christianity (Tarkunde, 1996). Evidently, nothing in the two judgements relied upon, warrants or supports this extrapolation.

The collapsing of Hinduism and Hindutva in the Prabhoo verdict is another major flaw in it. It is common knowledge in the political discourse of India that Hindutva is a potent political concept with only marginal affinity to Hinduism.[57] This concept is of more recent vintage than 'Hinduism' itself and the originator of the concept and its philosophy is V.D. Savarkar. In his Hindutva : Who is a Hindu?, (1923) he differentiates Hindutva from Hinduism by stating that the former is a political concept referring to the bond of 'Hinduness' that supposedly unites all Hindus as a race and has little to do with the theological, religious, ritual and doctrinal issues of Hinduism. Savarkar defined Hindutva as the linchpin of a racial category : the Hindus. Starting from this premise, he elaborated his xenophobic politics woven around it in which he pits Hindus as a distinct, homogeneous race in opposition to other 'traitorous' races like Muslims and Christians. The politics of Hindutva strives to establish a Hindu nation, one in which all individuals pledge their unalloyed loyalty to it as Hindus. Hindutva draws sustenance from Hinduism in as much as the latter is held up as a tolerant religion common to all Hindus, one that provides an argument for the moral superiority of a monolithic cultural nationalism.

The politics of Hindutva has been vying for political supremacy in India since the early years of this century. Since its inception, its has been consistently and unapologetically anti-minority and has opposed the empowerment of the lower castes. Gandhi's assassin, Nathuram Godse, came from the Hindu Mahasabha, a political body that Savarkar patronized. The Prabhoo verdict seems to completely ignore this history of hatred and violence and mistakenly equates Hindutva with Indian culture. It does not even mention Savarkar's work while commenting on Hindutva. The Court's assertion that the mere mention of Hindutva in an election speech does not attract the mischief provisions of Section 123 (3) and (3A) is also fallacious because, in the popular mind, the very expression

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[57] For a sharp differentiation between Hindutva and Hinduism as enunciated by Savarkar and their implications for contemporary politics in India, see Cossman and Kapur, 1997:129-139.

'Hindutva' has strong associations of xenophobic, monolithic cultural nationalism, a concept that is the antithesis of secularism.

The judgement is again on slippery ground when it equates Hindutva with 'Indianisation' which, in its view, stands for the "development of a uniform culture by obliterating the differences between all the cultures coexisting in the country" (*Supreme Court Cases*, 1996: 134). It is interesting that the judges have literally borrowed the rhetoric of the Hindu right in defining Indianisation. In fact, 'Indianisation' itself is straight out of the political discourse of the Jan Sangh, an earlier incarnation of the BJP (Cossman and Kapur, 1997: 127; Nauriya, 1996: 11). In the 1960s, the Jan Sangh and the RSS had launched a campaign of 'Indianisation' directed mainly against the minorities which required them to identify themselves primarily as Hindus and then as members of their respective denominations. Thus, Muslims have to identify themselves as 'Mohamadiya Hindus' and Christians as 'Christian Hindus.' This demand is still a part of the ideological arsenal of the Hindu right and is articulated in more militant terms.

The judges cite Maulana Wahiduddin Khan's Indian Muslims - The Need For A Positive Outlook (1994) in support of their point that Hindutva and Indianisation are synonymous and reproduce what they claim is his opinion on Indianisation[58] (*Supreme Court Cases*, 1996: 159). However, as Noorani points out, the quotation from the Maulana's book is selective. He demonstrates that contrary to the judges' claim that it supports their thesis that Hindutva and Indianisation are synonymous, in the very next sentence, it criticizes the Hindu right's notion of Indianisation as being 'impracticable' (1996: 124). Surprisingly, the judgement does not include this sentence in its extract. One wonders whether it was a case of sloppy research or wanton disregard for facts. Whatever it was, it did not add to the weight of the judicial verdict. Aside from its selective quotation, the Court also had to account for another loophole. How could it reconcile its assimilationist interpretation of Hindutva with Article 29 of the Constitution which guarantees all minorities the right to conserve their distinct language, script, and culture? (Nauriya, 1996:11). Plainly speaking, the Court's reading of Hindutva was unconstitutional. Equally disturbing was its verdict in the Manohar Joshi case.

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[58] The judges reproduced the following from the Maulana's book to argue that Hindutva and Indianisation were synonymous:

> The strategy worked out to solve the minorities problem was, although differently worded, that of Hindutva or Indianisation. This strategy, briefly stated, aims at developing a uniform culture by obliterating the differences between all the cultures coexisting in the country. This was felt to be the way to communal harmony and national unity. It was thought that this would put an end once and for all to the minorities" problem (*Supreme Court Cases*, vol. 1, 1996:159).

Then the judgement stated:

> The above opinion indicates that the word 'Hindutva' is used and understood as a synonym of 'Indianisation,' i.e., development of uniform culture *(sic)* by obliterating the differences between all the cultures coexisting in the country (ibid.).

What the judges omitted is very crucial. In the next sentence of the same para, the Maulana states: "However beautiful this suggestion may appear to be, it is certainly impracticable." Thus, contrary to the judges conclusion, the Maulana is opposed to Indianisation. For details, see Noorani, 1996:124.

THE MANOHAR JOSHI CASE

In February 1990, Manohar Joshi, a prominent leader of the Shiv Sena, won the election to the Maharashtra Legislative Assembly from the Dadar constituency in Bombay as a candidate of the Shiv Sena-BJP alliance. The defeated Congress candidate, Nitin Bhaurao Patil, filed a case against Joshi in the Bombay High Court alleging corrupt practices under the RP Act. Patil alleged that in the campaign, Joshi and other leaders of the alliance had invoked Hindutva for garnering votes and also made derogatory remarks against the Muslims. In particular, he cited Joshi's repeated statements that "the first Hindu State will be established in Maharashtra" (*Supreme Court Cases*, 1996:190). Patil also claimed that prominent leaders of the Sena-BJP alliance went a step further and told their audience that if Joshi was elected and the alliance established "a Hindu Government," then "we will give jobs to all Hindus"(ibid.). The alliance also produced audio and video cassettes containing materials that revealed their "scant respect for the religious beliefs and practices of other religions" (ibid., 191). The High Court found Joshi guilty of the alleged corrupt practices and declared his election void. He appealed against the judgement in the Supreme Court.

The Supreme Court quashed the judgement of the lower court and decided that Joshi was not guilty of any corrupt practice. It also dismissed the charges against the Sena-BJP leaders on evidentiary grounds. There were, indeed, several procedural infirmities and technical flaws in the petition against Joshi. The apex court found that the pleadings of the petitioner, Nitin Patil, were not foolproof and not backed by incontrovertible evidence. Hence, it concluded that the charge of corrupt practice against Joshi was not conclusively established.

One of the loopholes in the petitioner's case, according to the Court, was that it did not prove to the Court's satisfaction that the derogatory speeches of the Shiv Sena-BJP leaders were made with the consent of the candidate as per the requirements under the RP Act. The Court further stated that in the absence of consent, it must be proved that the outcome of the election was 'materially affected' by the impugned speeches (*Supreme Court Cases*, 1996:196-197). Strictly from a legal point of view, the Supreme Court's decision is unimpeachable. One still wonders how anyone can prove that a certain speech materially affected the prospects of a candidate without being contradicted. Likewise, the condition that the consent of the candidate must be proven is equally hard to fulfill. True, if this is what the law states, then the courts can hardly be expected to decree otherwise. Yet, it is apparent that by laying down virtually impossible conditions for proving a corrupt practice, the statute seems to have more of an ornamental value than any real significance.

In holding Joshi guilty, the Bombay High Court reasoned that the campaign speeches of the Sena must be viewed in the background of its election plank of Hindutva. The Supreme Court, however, in consonance with its verdict in the Prabhoo case, rejected the

High Court's logic. It ruled as follows:

> It cannot be held that in the abstract the mere word 'Hindutva' by itself invariably must mean the Hindu religion. *(sic)* The so-called plank of the political party may at best be relevant only for the appreciation of the context in which a speech was made by a leader of the political party during the campaign, but no more for the purpose of pleading corrupt practice in the election petition against a particular candidate (ibid., 198).

In what it considered a virtually meritless case, the Supreme Court determined that there was only one triable allegation against Joshi. This pertained to his alleged statement at Shivaji Park in Bombay that "the first Hindu State will be established in Maharashtra." From the evidence presented before it, the court was not convinced that Joshi had made this remark. That he had repeated it several times in different speeches also did not mean much to the court. For want of adequate proof and partly because the petitioners botched up their case, the Supreme Court exonerated Joshi. Few can find fault with the Court for dismissing a case not backed by strong evidence. However, instead of putting a closure on the issue, it felt compelled to spell out its opinion as follows:

> In our opinion, a mere statement that the first Hindu State will be established in Maharashtra is by itself not an appeal for votes on the ground of his religion but *the expression, at best, of a such a hope*. However despicable such a statement, it cannot be said to amount to an appeal for votes on the ground of his religion *(sic)*. Assuming that the making of such a statement in the speech of the appellant at that meeting is proved, we cannot hold that it constitutes a corrupt practice ......even though we would express our disdain at the entertaining of such a thought or such a stance in a political leader of any shade in the country. The question is whether the corrupt practice as defined in the Act to permit negation of the electoral verdict has been made out *(sic)*. To this our answer is clearly in the negative (ibid., p. 204 emphasis supplied).

The Supreme Court's interpretation of Joshi's alleged statement as "the expression, at best, of such a hope" is as troubling as it is untenable. It seems to have ignored the guidelines it laid down in *Prabhoo* regarding the parameters that must be considered in order to determine whether or not a speech amounts to corrupt practice. Firstly, Joshi reportedly said "the first Hindu State will be established in Maharashtra" at an election meeting to an audience comprising prospective voters. It need not be laboured that speeches delivered in electoral campaigns are in the nature of concrete promises and not 'expressions of hope.' Therefore, it is reasonable to presume that a candidate will strive to honour the promises (s)he made to the electorate, if (s)he wins the poll. Strangely, the judges failed to take cognisance of the force of Joshi's statement: "the first Hindu State in Maharashtra *will be established*" (Noorani, 1996:123, emphasis supplied). How, then, can it be dismissed as the 'expression of a hope' ? If, indeed, it was the articulation of an innocuous hope, what compelled the judges to characterize it as 'despicable'? If a statement is 'despicable,'--one for which the judges 'express our disdain'--and if it concerns religion, then how can it remain beyond the purview of the mischief sections of the RP Act? The Shiv Sena has proclaimed its commitment to Hindutva and the establishment of a Hindu state from every conceivable forum and made it the cornerstone of its poll manifesto. Joshi, a Hindu candidate of the Shiv Sena, was merely repeating a promise that his party has all along made, to an almost exclusively Hindu audience in a predominantly Hindu locality. If this parochial promise is not the abuse of religion for furthering one's political prospects, then one wonders what is?

Secondly, even if one goes by the Court's interpretation, the question whether one can 'express anti-secular hopes' in poll campaigns still remains (Sorabjee, 1995b). We have seen that in *Bommai*, the nine judge Constitutional Bench unmistakably laid down that the state and all political parties must abide by the norms of secularism. In his judgement on *Bommai*, Justice Sawant has categorically decreed:

> One thing that prominently emerges from the ..... discussion on secularism under our Constitution is that ..... religion cannot be mixed with any secular activity of the State. In fact, the encroachment of religion into secular activities is strictly prohibited (*Judgements Today*, 1994:295).

Obviously, in deciding *Manohar Joshi*, the three judge Bench did not take note of the same court's ringing judgement in *Bommai*. Or else, in tandem with *Bommai*, it would have taken a serious view of Joshi's alleged remark and of the fact that his party's main election plank was Hindutva. This was what the Bombay High Court did.

Of paramount importance in *Manohar Joshi* is the fact that the Court thought it necessary to comment upon what it considered was a hypothetical scenario and, thereby unwittingly expose itself to the charge that it is seemingly justifying the same. If the case against Joshi was unsustainable on evidentiary grounds, then the judges task did not warrant anything beyond setting aside the orders of the lower court. Why, then, did the judges feel compelled to resort to an obiter that is susceptible to tendentious interpretations? If the intention was to clarify the norms for deciding what grounds are legitimate for prosecuting under Section 123(3) and (3A), then it leaves much to be desired. As it stands, one can hardly be faulted for attributing to the Supreme Court a desire, howsoever muted, to routinize the Hindu norm as juridically valid.

PROFESSOR RAMACHANDRA KAPSE CASE

In the *Prof. Ramachandra G. Kapse vs Haribansh R. Singh* case (Kapse case, henceforth) the main issue was whether anti-secular statements in the manifesto of a political party can be considered as corrupt practice and hence used for declaring a candidate's election void. Kapse successfully contested the Lok Sabha election from the Thane parliamentary constituency in June 1991 as a BJP candidate. His Congress opponent Haribansh Singh filed a case against him in the Bombay High Court alleging corrupt practices under the RP Act. He cited two speeches by prominent BJP leaders Pramod Mahajan and Sadhvi Rithambhara canvassing support for Kapse in which they apparently invoked Hindutva/Hinduism to solicit votes. As proof that Kapse had given his implicit consent to the speeches, Singh averred that he (i.e. Kapse) was present at both the meetings at which the speeches were made and had also welcomed the leaders. Besides, he stated that Kapse sat through the two speeches and whenever references were made to Hinduism and Hindutva, he, apparently, stood up and clapped in approbation.

In April 1994, Justice Ashok Agarwal of the Bombay High Court decided that all three BJP leaders Kapse, Mahajan and Rithambhara were guilty of corrupt practices and hence he set aside Kapse's election to the Lok Sabha. Kapse appealed against the verdict in the Supreme Court. Like in *Manohar Joshi*, the court quashed the orders of the lower court mainly for want of proper evidence. It stated that Kapse's consent cannot be inferred from his mere presence at the two meetings; and, more important, he had denied having given any consent, formal or implied, to the content of the two speeches. Another factor was that Kapse claimed that he was elsewhere when Sadhvi Rithambhara made her alleged speech. The Court was not satisfied with the evidence that he had indulged in electoral misconduct. In the case of Mahajan, it held that Singh had not clearly proved that the former had invoked Hinduism or Hindutva in his speeches.

In holding the BJP leaders guilty, the Bombay High Court had relied, among other things, on the evidence of Mahajan that his speech was in consonance with the election manifesto of the BJP. Justice Agarwal of the High Court had reasoned that the manifesto itself "tends to create enmity between Hindus and Muslims and this falls within the mischief of the provisions of Section 123(3A) of the (RP) Act" (quoted in the Supreme Court judgement, *Supreme Court Cases*, 1996:218). The Supreme Court stated that the High Court had rested its judgement "based essentially on the understanding of the manifesto of the BJP which is not even pleaded as the basis of the allegation" (ibid., p. 221). Therefore, it dismissed what it labelled as the 'wholly untenable' judgement of the High Court on the ground that its assumptions were 'erroneous' (ibid.).

The Supreme Court also held that even if one accepts the premise that the BJP manifesto did contain an appeal for votes in the name of religion, it is not possible to declare Kapse guilty of corrupt practice for two reasons. First, at the time of registration as a political party, under Section 29A of the RP Act, the BJP would have declared that it "bears true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism and democracy..." (*Supreme Court Cases*, 1996:218). Since the BJP had sworn allegiance to secularism, the court decreed that "contesting as the candidate of the BJP could not be faulted and any part of its manifesto could not by itself be held to form the basis of holding a BJP candidate guilty of a corrupt practice" (ibid.). Second, it decided that even if the BJP manifesto contained an appeal for votes on the ground of religion, since "no part of its drafting or specific use in the campaign is attributed to the candidate in the pleading or evidence," he cannot be held responsible for its contents (ibid., 218-19). Amplifying this point, the Supreme Court clearly laid down as follows: "Ex facie contents of a manifesto, by itself, cannot be a corrupt practice committed by a candidate of that party" *(sic)* (ibid.).

The implications of the judgement are manifold. First, it allows the prominent leaders of a party to make inflammatory speeches and unconstitutional promises to earn electoral support for their candidates and obviate punitive measures so long as they ensure that the consent of the candidate for such propaganda is camouflaged. Second, it implies that swearing allegiance to the Indian Constitution and to the principles of socialism, secularism, and democracy at the time of registration is enough to establish the bona fides of a political party. What it espouses, propagates, or promises later is not of much consequence, particularly if such acts are done tactfully and without attracting too much adverse attention. Third, it vouches that no stigma will attach to the candidate of a party on account of anything that is stated in its manifesto so long as the candidate himself has not played an active role in its conception, drafting or dissemination. In other words, all the candidates of a party are free to run on any platform, including ones that are unconstitutional, without the risk of being unseated. To escape legal penalties, the contestants must not play any part in drawing up the manifesto outlining the details of the election plank.

What is most disturbing about *Kapse* is that it conflicts with *Bommai* and dilutes its achievements. In upholding the constitutional validity of the President's Rule in the BJP ruled states, one of the factors that the judges of the *Bommai* Bench particularly emphasized was the non-secular agenda of the BJP manifesto. Since the party had expressly stated in its manifesto that it was 'committed' to build the Ram temple in Ayodhya and won the election on this plank, the Bench decided that it was reasonable for the President to entertain doubts about whether the BJP governments would carry out governance in accordance with the provisions of the Constitution (*Judgements Today*, 1994:296). Hence they upheld the Presidential order dismissing the BJP governments. Important for our discussion is the Supreme Court's insistence that all players must affirm their commitment to secularism in word and deed. *Kapse* seems to have ignored this salutary principle by being content with the statement of allegiance to the Constitution and secularism under Section 29A of the RP Act. If judgements have a symbolic value and if one of their purposes is to send the right message to the public, then *Kapse* ought to have insisted that political parties contesting on unsecular agendas will have to face legal consequences. Failure to do so, perhaps, emboldened the BJP to invoke Hindutva in its 1996 Parliamentary election manifesto and reiterate its resolve to create 'one nation, one people, one culture,' something that is legally indefensible as it violates the Constitutional mandate to protect the cultural and educational rights of the minorities under Article 29 (*BJP Manifesto*, 1996:15).

Another oddity of the judgement is its strange logic that since a candidate was not involved in drafting the manifesto, (s)he is not to be held responsible for its contents. Is it not reasonable to infer that a candidate running for an election on a party ticket shares its ideology as outlined in its manifesto? The artificial dichotomy between the candidate and the manifesto of his/her party is not helpful in restricting the role of religion in politics.

Of the appeals it entertained against the decisions of the Bombay High Court, only in cases where the abuse of religion was blatant and bordered on the outrageous did the Supreme Court rule that they were illegal and upheld the orders of the lower judiciary unseating the appellants. Thus, in *Suryakant Venkatrao Mahadhik vs Saroj Sandesh Naik*, the Court ruled that Mahadhik, a Shiv Sena candidate had appealed in the name of Hindutva to devotees in a Hindu temple during a Hindu religious function to vote for him. While reiterating its stance articulated in *Prabhoo* about Hinduism and Hindutva per se referring to Indian culture, the Court held that in the particular case of Mahadhik, the appeal to Hindutva was a clear case of soliciting votes in the name of religion.

In *Dr. Das Rao Deshmukh vs Kamal Kishore Nanasaheb Kadam and Others*, the issues were straight and simple. Dr. Deshmukh, the Shiv Sena candidate from Nanded Assembly constituency had displayed a poster containing an appeal to vote for him in order 'to teach the Muslims a lesson.' His Congress opponent, Kadam, alleged that it amounted to spreading hatred between Hindus and Muslims for the sake of getting votes; he also pleaded that the Shiv Sena Chief, Bal Thackeray, had made communal speeches extolling Hindutva to sway the voters in favour of Deshmukh. The Supreme Court upheld the order the Bombay High Court setting aside the election of Deshmukh. Significant in this otherwise routine case is that the judges Justices G. N. Ray and Faizan Uddin, while dismissing Deshmukh's appeal, clearly stated that:

> In our view, it is not necessary to consider the philosophy of Hindu religion and its tenets of tolerance and respect for different religious faiths for the purpose of appreciating whether appeal was really made for Hindutva which is something different from outward practices and some of the followings professed by followers of Hindu religion *(sic)* (*Supreme Court Cases*, vol. 5, 1995:138).

The Deshmukh judgement was delivered on July 14, 1995. Five months later, on December 11, 1995, the Supreme Court decided the Prabhoo case. The three judge Bench in *Prabhoo* could have used *Deshmukh* to obviate the needless excursion into Hinduism and Hindutva. Though it cited several cases, *Deshmukh* was not one of them (Noorani, 1996:124).

All told, the Hindutva judgements raised more questions than they had answered. Secular minded jurists, leaders of the Muslim community and left wing intellectuals were greatly agitated by what they considered was the Court's endorsement of the BJP's understanding of Hindutva, particularly in the Prabhoo, Joshi and Kapse judgements. The contradictions of the verdicts were so disturbing that several renowned constitutional experts wrote articles in the popular press demanding that the Court should review its decisions before a Constitutional Bench (Dhavan, 1996; Palkhivala, 1996; Tarkunde, 1996).

Mohammad Aslam, a Muslim activist in Delhi, filed a writ petition in the Supreme Court seeking the review of its judgement in the Joshi case. He expressed his fears that the BJP would interpret the Court's judgement as a licence to mount a massive anti-minorities propaganda in the name of Hindutva. Aslam also argued that *Manohar Joshi* had failed to take note of the Supreme Court's earlier ruling in *Bommai* on the sacrosanct nature of secularism. Unfortunately, partly because the petition was 'unhappily drafted,' a three judge Bench comprising Justices J. S. Verma, N .P. Singh and K. Venkataswami (the same Bench that delivered the Joshi decision), dismissed the petition on two grounds. First, the Court ruled that Article 32[59] of the Constitution, under which the review was sought, was not available to "assail the correctness of a court's judgement or seek its 'reconsideration' on merits" (quoted in Rao, 1996). Second, the court said the petitioner's apprehensions were 'imaginary and baseless' (ibid.). Though it could have dismissed the petition on technical grounds, the Bench considered it necessary to make some observations on the proper use of 'Hindutva,' particularly since the petitioner had entertained grave misgivings in this regard.

The Supreme Court pointed out that contrary to what was stated in the petition, the Joshi judgement did not condone the misuse of religion in politics. It said that it had articulated its 'disdain' for the remark allegedly made by Joshi and ruled that it was 'despicable.' Therefore, the Court felt that there was no need to read in its verdict something that did not exist. Justice Verma drew attention to the fact that since, under the RP Act, a corrupt practice is an offence of a quasi-criminal nature, it must be proven beyond reasonable doubt and the standard of proof required is very high. The Manohar Joshi case did not pass muster on these counts and hence Joshi was exonerated.

On the question of the conflict between *Manohar Joshi* and *Bommai*, the judges dismissed it as "baseless and unwarranted criticism." They said that *Bommai* does not deal with issues of electoral laws and as such nothing in it is of assistance for construing the meaning and scope of sub-sections (3) and (3A) of Section 123 of the R. P. Act that was central to the Joshi case. As for the deficiencies in the R. P. Act itself regarding the definition and scope of 'corrupt practice,' the Bench said that it had to be remedied by legislation and not by reading something in the existing law. It warned against the illegitimate use of Hindutva and religion in politics and said that those labouring under such a misunderstanding would have to face the legal consequences.

Though the Court's clarification was timely, it did not mitigate the need for a judicial review by a Constitutional Bench. The judges' logic in dismissing Aslam's writ petition was not entirely infallible. As they rightly pointed out, *Bommai* does not deal with electoral laws. Yet, one cannot ignore that several judges on the Bommai Bench make copious references to the various sections of the R. P. Act in support of their contention that secularism is an inalienable feature of the Constitution. The main thrust of their ruling is that as far as possible, religion and politics must be kept separate. While deciding the Hindutva cases, the Court would have advanced the cause of secularism if it had taken note of the overarching emphasis of *Bommai* and used it to interpret the Hindutva cases. Even if this was attempted, perhaps, the judgements in several Hindutva cases would still be what they are now, considering that many of them suffered from technical and procedural weaknesses. Yet, it is not far fetched to think that with *Bommai* in the background, at least the judicial obiter dicta would be more in consonance with secularism. As it is, the Hindutva judgements are too narrow and legalistic.

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[59] Article 32 of the Indian Constitution deals with the right to Constitutional remedies. It specifies remedies for the enforcement of rights conferred by Part III of the Constitution dealing with Fundamental Rights.

THE AYODHYA CASE

Like the Hindutva judgements, the decision of the Supreme Court in the Ayodhya case also did not strengthen secularism; it was widely criticized by lawyers and activists of being discriminatory in character (Dhavan, 1994; Sathe, 1996; Sorabjee, 1995a). The details of the case are as follows. Soon after Hindu militants demolished the Babri mosque at Ayodhya on December 6, 1992, the federal Congress government, led by P. V. Narasimha Rao, initially promised to rebuild the mosque in a bid to assuage the hurt feelings of the Muslims. However, sensing the groundswell of support for Hindu militancy and fearful of antagonising the Hindu majority, it unveiled a new solution to the unresolved issues of the Ayodhya dispute. It involved acquiring all the areas in the dispute[60] and adjacent areas with the intention of making them available (excluding the area where the disputed structure stood) for the construction of a Ram temple and a mosque to two trusts established for the purpose. It cited the surcharged communal atmosphere and the need to preserve public order as the rationale for its new plan. The government also decided to request the President to seek the opinion of the Supreme Court under Article 143(1)[61] of the Constitution, regarding "whether

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[60] Several title suits concerning the Babri mosque/Ram temple site were pending before the Allahabad High Court in Utter Pradesh for nearly four decades. The first dispute regarding the temple-mosque issue arose in the post-independence period in December 1949. In the night of Dec. 22-23, 1949, Hindu militants smuggled an idol of Lord Ram into the mosque and spread the rumour that the Lord had himself appeared mysteriously in the mosque because it stood on his exact birthplace. The Muslims realized that this was a Hindu ploy to pollute their mosque and gain control over it. Communal riots broke out and the police and army jointly managed to quell them. Soon after, Muslims were told that they could not use the mosque. The provincial government ordered the District Magistrate K.K.Nair to remove the idol but he refused to do so on the pretext that it would result in the recrudescence of communal riots. The judge of the Civil Court in Faizabad gave an interim injunction in Jan 1950 restraining the removal of the idols. He also allowed Hindus to perform 'limited puja' (worship). On the basis of dubious affidavits stating that Muslims had not used the mosque since 1936, the Civil Judge confirmed the interim order in 1951. Significantly, he did not allow the Muslim defendants or the provincial government an opportunity to file counter affidavits. In 1955, the Allahabad High Court ruled that the acceptance of affidavits from only one side was 'erroneous' but did not vacate the interim order of the Civil Judge. The case dragged on for 38 years and a number of title suits were filed by both Hindus and Muslims. The disputed structure was locked under court orders. Significantly, throughout this period, Muslims were prevented from using the mosque. In Feb 1986, at the instigation of Rajiv Gandhi's Congress government, the District Judge of Faizabad ordered the opening of the locks and allowed Hindus to worship the smuggled idol of Lord Ram. The title suits, however, remain unresolved to this day. Apparently, the Congress took initiative in this matter with an eye on the electoral support of the Hindus.

For a historical account of the Ayodhya dispute, see Van Der Veer, 1987. For the official version, see Govt. of India's *White Paper on Ayodhya*, Feb. 1993. For the BJP's story, see *BJP's White Paper on Ayodhya and the Rama Temple Movement,* April 1993. For a scholarly account from the archeological perspective, see Mandal, 1993.

[61] Article 143 of the Constitution pertains to the power of the President to consult the Supreme Court. Art. 143(1) states:

> If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consultation

a Hindu temple or any Hindu religious structure existed prior to the construction of the Ram Janma Bhumi-Babri Masjid....in the area where the structure stood" (*Supreme Court Cases*, vol. 6, 1994:385).

On January 7, 1993, the federal government promulgated the Acquisition of Certain Areas at Ayodhya Ordinance. This law was later replaced by 'The Acquisition of Certain Area at Ayodhya Act, 1993' (the Ayodhya Act, henceforth). Under this Act, the federal government not only acquired all the disputed areas and some adjacent areas but also provided for the abatement of all on-going proceedings concerning those properties. Its main effect was to freeze the status quo as on January 7, 1993 in all matters concerning the dispute.

Before the demolition, the idol of Lord Ram was removed from the precincts of the mosque. According to the official *White Paper*, at 6:45 pm on the same day (December 6, 1992), it was "placed back where the erstwhile disputed structure stood" (1993:8). At 7:30 pm, Hindu nationalists started work on "the construction of a temporary structure for the idols" (ibid.). At 9:10 pm, the same evening the state of Utter Pradesh was placed under President's Rule and the UP Vidhan Sabha (provincial assembly) was dissolved. From 7th December 1992 onwards, Hindus started worshipping the idol of Lord Ram in a makeshift temple constructed on the site of the demolished mosque. Though the federal government was in charge of the administration, it did nothing to prevent the construction of the makeshift temple and the worship by the Hindu devotees. The local Muslims, angered by the discriminatory attitude of the administration, filed a case in the Allahabad High Court. Surprisingly, on January 1, 1993, the High Court refused to rule against the illegal construction and stop the worship. Thus, when the Ayodhya Act came into effect, the Hindus were offering prayers at the makeshift temple. Sub-section 2 of Section 7 of the Act provided that the federal government or the person authorized by it to manage the acquired properties, will ensure that the status quo existing before the commencement of the Act will be maintained. This meant that the Act allowed the Hindus to pray at their illegal, temporary structure. In addition to losing their place of worship, the Muslims were not provided with any alternative arrangements.

Muslim activists and community leaders challenged the Constitutional validity of the Ayodhya Act and the Presidential Reference. Thus, in *Ismail Faruqui and Others vs Union of India and Others*, popularly known as the Ayodhya case, they alleged that the government's new solution to the Ayodhya imbroglio was 'anti-federal,' 'anti-secular,' 'discriminatory' and 'violative of the due process of law' (Dhavan, 1994:3035). The burden of the argument of Faruqui and others was that the Ayodhya Act encroached upon provincial issues such as public order, pilgrimage, the construction of museums and the like (which the government had proposed to undertake on the acquired lands in Ayodhya) as they all figured

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and the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.

For details, see Majumdar and Kataria, 1996:58.

in the provincial list. Since the Act took away properties belonging to the mosque, did not disturb the makeshift temple built there and did not prevent Hindus from offering worship, the petitioners contended that it was anti-secular and discriminatory. They were also agitated that the Act denied the judicial remedies available to them by imposing the abatement of all legal procedures and vesting matters of claims and compensation in the government and its Claims Commissioner. Of all these charges, the petitioners argued that the most serious one was that the Act was an intrusion in their religious affairs and that it weighed heavily in favour of the Hindus.

The Muslim litigants also objected to the Presidential Reference because they felt that it was ambiguous and hypothetical and could not be a substitute for a legal solution to the Ayodhya dispute. Furthermore, as secular jurists and leaders involved in the earlier negotiations over the dispute pointed out, the Reference did not contain any of the questions the All India Babri Masjid Action Committee--the apex body of Muslim leaders agitating against the demolition of the mosque--had raised during the talks (Dhavan, 1994:3035). Two questions were particularly crucial: first, what proof did the Hindus have to support their claim that the Babri mosque was indeed the birthplace of Lord Ram; and, second, on what basis do the Hindus claim that the invading Moguls razed a temple built to commemorate the birthplace of Lord Ram? (ibid.).

A five judge Bench of the Supreme Court upheld the Constitutional validity of the Ayodhya Act by a 3-2 majority. All the judges, however, refused to answer the Presidential Reference. The majority felt that it was "superfluous and unnecessary" (*Supreme Court Cases*, volume 6, 1994:424); and, the minority ruled that both the Act and the Reference "favour one religious community and disfavour another" (ibid., 440).

The majority judgement written by Justice J. S. Verma (on behalf of Chief Justice M. N. Venkatachalaiah, Justice G. N. Ray and himself) decided that the Ayodhya Act acquiring 67.703 acres of disputed land in Ayodhya was constitutionally valid except for sub-section 3 of Section 4 of the Act which they struck down as 'unconstitutional and invalid.' Section 4(3) pertained to the abatement of all pending suits and legal proceedings without providing an alternative dispute resolution mechanism. The majority concluded that this provision was "an extinction of the judicial remedy for resolution of the dispute amounting to the negation of the rule of law" (*Supreme Court Cases*, vol. 6, 1994:422).

The majority decision might strike anyone as rather unusual. The question is how and with what logic did the Supreme Court find merit in a statute that noted jurist Rajeev Dhavan[62] characterized as "a brazen, discriminatory attempt to empower the government to appropriate the site from the Muslims and hand it over to the Hindus" (1994:3053). According to the majority, the Act was constitutional because it provided for 'limited' and not 'absolute' acquisition of lands. It held that Sections 6 and 7 of the Act empowered the government to acquire the disputed lands and vest it in itself or in a person or a trust pending the settlement of the dispute and then transfer it to the person(s) in whose favour the title suit was adjudicated. The Court said that the Act vested the lands in the government in its role as a Statutory Receiver, (*Supreme Court Cases*, vol. 6, 1994:422-424). Likewise, it ruled that Section 7 (2) of the Act which provided for the maintenance of status quo pending the decision on the title suits, was valid and a standard practice of preserving property in title disputes. According to Dhavan, however, the Court "read into the statute the creation of a statutory receiver" as there was nothing in the Act itself that calls for such "juristic creativity" (Dhavan, 1994:3035). Unlike the minority judges who found the whole Act arbitrary and unconstitutional, the majority upheld its validity by "virtually reconstructing the Ayodhya Act" (ibid.). It is not clear why the majority felt impelled to undertake this task and, whatever the reasons, why, after deciding to do so, it did not interpret the Act so as to make it fair to both communities. Such questions persist because while selectively reinterpreting the Act, they did not notice any discrimination in the imposition of the status quo.

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[62] Dr. Rajeev Dhavan is a leading constitutional expert and a legal activist. He was one of the attorneys for the petitioners in the Ayodhya case and ably argued on behalf of the Muslims. He was also a Counsel in the Manohar Joshi review petition which was dismissed by the Supreme Court. For a sharp analysis of the Ayodhya case, see Dhavan, 1994.

The gravamen of the petitioners' argument was that Section 7(2) was anti-secular as, under the status quo, it allowed the Hindus to offer worship while denying the privilege to Muslims. The majority judgement rejected this argument on the basis of a new doctrine of 'comparative use' (*Supreme Court Cases*, vol. 6, 1994:406). The judges stated that the Act was not slanted in favour of the Hindus; all it did was to freeze the situation that obtained on January 7, 1993. They held that the Hindus were offering worship to Lord Ram even before 1949 on a pedestal (Ram *Chabutra*) next to the site of the mosque. As is well-known, Hindus smuggled their idols inside the mosque in 1949 and were worshipping there since then.[63] After the dispute of 1949, the Muslims were prohibited from offering worship. And yet the majority held that the Hindus had been worshipping at the disputed site for a longer duration than Muslims. Furthermore, they said that since the demolition in December 1992, the Hindus enjoyed a lesser right as only one Hindu *pujari* (temple priest) as opposed to many, earlier, was performing the rituals. Proceeding from these premises, the majority made two points: first, that "the Act affects the rights of both the communities and not merely those of the Muslim community" (*Supreme Court Cases*, vol. 6, 1994:407); and, second, that the Muslims cannot claim to have a comparatively better use of the disputed area than the Hindus because they have not been worshipping at the mosque since 1949. In other words, the Court seemed to suggest that under the Ayodhya Act, Hindus rights were as much diminished, if not more, as that of the Muslims.

One of the arguments of the petitioners regarding the invalidity of the Act was that it interfered with the Muslims' freedom of religion guaranteed under Articles 25 and 26 of the

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[63] In the wake of the communal clashes that broke out 1949 after Hindus smuggled the idol of Lord Ram inside the mosque, the entire premises were attached and both parties filed civil suits. In its interim order, the Court restrained the parties from removing the idol. The District Magistrate of Faizabad K. K. Nair appointed the then Municipal Chairman as the Receiver of the disputed property. The sanctum sanctorum of the 'temple' was locked with iron rods fixed all around it. However, the Court allowed the Hindus to worship from outside. It prohibited the Muslims from entering the mosque and offering *namaz*.

Constitution. By acquiring the site of the mosque, the government had denied the Muslims the right to worship. They also claimed that the site of a mosque was the property of Allah and that even if the structure was demolished the sanctity of the site remained undiminished. The majority ruling on this point was truly startling. As we saw earlier, in matters concerning the freedom of religion, the Supreme Court had laid down in previous cases that only the essential practices of a religion will be afforded the constitutional protection provided under Articles 25 and 26. The majority dismissed the petitioners' right to freedom of religion on the ground that "(A) mosque is not an essential part of the practice of the religion of Islam and *namaz* (prayer) by Muslims can be offered anywhere, even in open" *(sic)* (*Supreme Court Cases*, vol. 6, 1994:418). It need not be laboured that the denial of the sanctity and essentiality of a mosque for Islam is, prima facie, untenable and has profoundly unsettling implications. By pronouncing its ill-founded views on an issue that is best left to Islamic scholars, the Supreme Court exposed itself to the charge of partisanship and, unwittingly perhaps, seemed to fuel the fears of Muslims about getting justice in a Hindu dominated society. What heightened the impropriety of the remark was that it came close on the heels of the demolition of the Babri mosque and the massacre of Muslims in communal riots throughout the country.

In any case, since the majority decided that, but for Section 4(3), the Ayodhya Act was valid and constitutional; and, more importantly, since they were convinced that the acquisition of lands and the Act were not pro-Hindu and did not militate against the interests of the Muslims, they directed that the title suits must be revived and once they are decided, the dispute will be resolved. Hence the judges considered the Presidential Reference 'unnecessary and superfluous' and returned it unanswered. The upshot of the majority verdict was that it whittled the significance of the case by overlooking the question of minority rights and reducing it to a civil title dispute.

In contrast to the Hindu thrust of the majority decision, the dissenting view, pronounced by Justice Bharucha on behalf of Justice Ahmadi and himself, was based solidly on the minority perspective. The minority held that Section 7(2) clamping status quo favoured the Hindus as it allowed them to worship in the makeshift temple. They felt that such an arrangement did not take into account the fact that the mosque had been destroyed in what the White Paper of the government described as 'a most reprehensible act.' The judges pointed out that the Act also disregarded that Hindus were worshipping at a disputed site, something that cannot be permitted under the law. Besides, they underscored that till December 1949 the Muslims were praying at the mosque that stood on the site and hence had a legitimate claim to offer *namaz* thereon (*Supreme Court Cases*, vol. 6, 1994:437).

A crucial difference between the majority and minority verdicts relates to how they view the demolition of the Babri mosque and the circumstances that led to the enactment of the Ayodhya Act. The former takes it upon itself to distance Hinduism from the actions of the Hindutva brigade. Hence the judges state that the demolition was the work of "some miscreants who cannot be identified and equated with the entire Hindu community and, therefore, the act of vandalism so perpetrated by the miscreants cannot be treated as an act of the entire Hindu community.... (T)he miscreants who demolished the mosque had no religion, caste or creed except the character of a criminal and the mere incident of birth of such a person in any particular community cannot attach the stigma of his crime to the community in which he was born" *(sic)* (*Supreme Court Cases*, vol. 6, 1994:408-9). The majority judges seem to be of the opinion that the demolition and the subsequent killing of over 1700 people were aberrant acts performed by 'miscreants' who accidentally happened to be Hindus. In other words, the impression they apparently wished to convey was that heinous though the demolition and killings were, they had little to do with Hinduism which, in any case, was essentially tolerant and non-violent. Having made this distinction, the judges had little difficulty in ruling that the pro-Hindu Ayodhya Act was constitutional.

However, the facts of the matter are quite different. Contrary to the judges' perception, the demolition was not a random act of miscreants; it was the culmination of a long, violent, nation-wide movement that started in 1984. Militants of the Hindu right, notably those belonging to the RSS,. VHP, Bajrang Dal and Shiv Sena agitated for eight years to dismantle the mosque and build a temple at its site. The BJP organized several *rath yatras* (chariot processions) to drum up popular support for its demand, the most prominent of them being the one in 1990 from Somnath in the west to Ayodhya in the east, led by L. K. Advani, then President of the BJP (Thakur, 1993:653). It is common knowledge that throughout the route of these processions, hundreds of communal riots took place resulting in the loss of innocent lives (ibid.).

The demolition of 1992 was by no means an impulsive act of a frenzied mob; it was the result of an elaborately planned, well-executed strategy.[64] In 1990, Hindu nationalists made an abortive attempt to demolish the mosque and it was foiled by the secular government of Mulayam Singh Yadav in Utter Pradesh. Thereafter, the BJP and its allies undertook a massive mass mobilization of men and materials all over India. Such was the impact of this campaign that it divided the entire society on Hindu-Muslim and secular-non secular lines, including the intellectuals, the bureaucracy and the judiciary. The BJP openly urged the public to assemble in Ayodhya to destroy the disputed mosque. Heeding its calls, people from all walks of life and from all over India gathered in Ayodhya on December 6, 1992 and, with the acquiescence of the law enforcement agencies and the provincial government, razed the mosque. Thus, far from being the handiwork of 'miscreants,' the Ram temple movement was a mass Hindu upsurge instigated by Hindu nationalists. To try to dichotomise the movement from its Hindu moorings is to ignore well-known facts. The majority narrative dramatically simplifies the entire movement and appears to make light of the less benevolent aspects of Hinduism that it exposed.

The dissenting judgement, however, locates the Ayodhya Act in the twin contexts of the trajectory of the Ram temple movement and the weakening resolve of the federal government to uphold secularism. The minority judges noted that in spite of the Places of Worship (Special Provisions) Act of 1991 which makes the destruction or defiling of a religious place a punishable act, Hindu activists ignored the statute and vandalized the mosque. To cover up its failure to protect the mosque, the federal government tried to acquire the site in the name of maintaining public order. Hence the minority held that "(T)o condone the acquisition of a place of worship in such circumstances is to efface the principle of secularism from the Constitution" (*Supreme Court Cases*, vol. 6, 1994:438).

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[64] For details of the BJP's elaborate plans for the demolition, see the report of the Citizens' Tribunal on Ayodhya, July 1993, New Delhi, chapters 3 and 5. For a summary of the report, see Chenoy, 1994.

Besides deciding the case in the background of the disturbing anti-Muslim onslaught in Ayodhya, the minority also recognized the fact that the Muslims were not worshipping at the mosque since 1949 because there was a court injunction against it (Sorabjee, 1995a:65). The majority judgement simply ignored this vital point. The, hopefully unintended, consequence of its decision was that it failed to redress the grievances of the Muslims who were law-abiding and whose case was genuine; on the contrary, it seemed to reward the Hindus who flouted the law (Sathe, 1996:8).

Another highlight of the minority verdict was its astute unmasking of the politics of the Presidential Reference. In comparison, again the majority seemed to view it as an innocuous, though unnecessary, initiative of the government. The minority, however, rejected it for two reasons. Firstly, it was loaded in favour of the Hindus. Secondly, the federal government wished to abdicate its responsibility of taking a firm and appropriate stand vis-a-vis the contending claims of the Hindus and the Muslims, so through the ruse of the Reference, it had tried to seek refuge under a judicial fiat to legitimize its agenda (*Supreme Court Cases*, vol. 6, 1994:440-41). Unlike the majority, the dissenting judges laid bare the government's subterfuge by stating that it did not propose to settle the dispute in accordance with the Supreme Court's judgement, as was apparent from the written and oral submissions of the Solicitor-General, but to use it as "a springboard for negotiations" (ibid., 441). They felt that the Court should not compromise its credibility by providing an opinion that was liable to be used for partisan ends. Lastly, since the 'principal protagonists' i.e., leaders of the Ram temple-Babri mosque agitation, had not appeared before the Court in the Reference to lead evidence or for cross-examination, the minority felt that it would be inadvisable to render a judicial opinion.

All in all, in spite of the progressive and secular ruling of the minority, the majority judgement prevailed. Germane to our discussion is the fact that even after the most devastating assault on secularism from whose effects the Muslims have still not recovered fully, the Supreme Court appeared to falter in its role as a bulwark of secularism and the rule of law.

THE *SAAMNA* CASE

In keeping with the majoritarian stance of the Ayodhya verdict, several judgements of the lower courts also favoured the Hindus. One such case involved the Shiv Sena's hateful propaganda against Muslims during the Bombay riots of 1993. Strange though it might seem, Bombay, a cosmopolitan metropolis of 13 million people, was the scene of the most prolonged and gruesome Hindu-Muslim riots[65] in the aftermath of the demolition of the Babri mosque. For several weeks in January 1993, life in the city came to a standstill as Hindu militants, actively encouraged by the constabulary of the Bombay police, attacked the homes, shops, establishments and businesses of Muslims and killed and maimed their innocent men, women, and children. Around 550 people were killed and property worth approximately two billion dollars was destroyed (Masselos, 1994:80).

To a large extent, the Shiv Sena instigated the riots by exhorting Hindus to 'teach Muslims a lesson.' Bal Thackeray, the Chief of the Sena and the editor of his party's Marathi newspaper *Saamna* (meaning confrontation), wrote several editorials and articles between December 1992 and January 1993 maligning the Muslim community and openly urging the Hindus to attack Muslims. And yet the Congress led provincial government did nothing to check its communal, anti-minority propaganda. When all efforts to force the government to charge *Saamna* and its editor, Thackeray, failed, civil rights activists and secularists filed a case in the Bombay High Court in April 1993. J. B. D'Souza, a retired Chief Secretary to the Government of Maharashtra and two civil rights bodies Peoples' Union for Civil Liberties and Committee for the Protection of Democratic Rights filed the *J. B. D'Souza vs State of Maharashtra* case,[66] (popularly known as the *Saamna* case) requesting the High Court to issue a writ of mandamus directing the provincial government to prosecute Thackeray and his executive editor, Sanjay Raut under sections 153A and 153B[67] of the Indian Penal Code. The petitioners based their case on nine editorials[68] published in *Saamna* which insulted the

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[65] For details of the Bombay riots, see Sebastian (1993) on People's Commission Report on Bombay Riots. One of the conclusions of this report was that more than 93 percent of the victims of the riots were Muslims. For a scholarly article on the riots, see Masselos, 1994.

[66] For a detailed account of this case and the opinions of leading jurists, see *Communalism Combat*, vol. II, no. 5, Jan. 1995. This is an alternative publication devoted to promoting secularism. My analysis is based on the details contained in it.

[67] Under Section 153A, any person promoting or attempting to promote disharmony or feelings of enmity, hatred, or ill-will between different religious groups is liable to be imprisoned for three years. Section 153 B states that if any imputation is made that any class of persons, by reason of being members of a religious group, cannot be loyal Indians, then (s)he is liable to be punished with three years imprisonment. Under the Indian Penal Code, only the state is empowered to prosecute individuals under these sections.

[68] In the interest of brevity, I am reproducing just some examples of the offensive editorials in *Saamna*.

Dec 8, 1992:

> Muslims should draw a lesson from the demolition of Babri Masjid, otherwise they will meet the same fate as Babri Masjid. Muslims who criticise the demolition are without religion, without a nation *(sic)*.

Dec 9, 1992:

> Now Pakistan need not cross the borders for launching an attack on India. Twenty five crore Muslims loyal to Pakistan will stage an insurrection.

Jan 8, 1993:

> Stop the armed band of traitors before it is too late. Hand over the 'Mini-Pakistans' of Bombay to the Indian army. Unless the rioting traitors are shot on the spot, normalcy which the police

Muslim community and encouraged Hindus to attack them. At the time of the admission of the petition, Thackeray and Raut filed an affidavit opposing it. The Bombay police also filed an affidavit stating that the writings presented before the court were not offensive and hence Thackeray could not be charged. It added that for some other writings (not the ones cited by the petitioners), the police had decided to lay charges against Thackeray and they were awaiting the government's sanction to proceed in the matter. In its affidavit, the provincial government also opposed the admission of the petition on the ground that it was examining a request from the police in a related case on whether or not to prosecute Thackeray. The court adjourned the case to June 1993 after directing the government to expedite its decision.

In June the government informed the High Court that it had sanctioned the prosecution of Thackeray. The court admitted the *Saamna* case on June 14, 1993. It, however, did not come up for hearing till September 1994 partly because the lawyers for the respondents (i.e. Thackeray and Raut) asked for time and partly because the court had a huge backlog of cases. Sixteen months after the petition was filed, it was heard by a Division Bench of the High Court comprising Justices Majithia and Dudhat. During the hearings, the petitioners pointed out that the police had got permission to lay charges in a case where Thackeray had singled out a particular Muslim police officer, A. A. Khan, for abuse, a lesser offense when compared to insulting a whole community, as they had alleged. They also complained that the government and the police were adopting dilatory tactics because they did not wish to prosecute the respondents.

The Bombay police told the court that it had found grounds to charge the respondents for only one of the nine writings cited and had sought the government's permission to lay charges. The government informed the court that it had referred the impugned editorials to the Press Council of India for its views on whether or not to prosecute Thackeray. It must be pointed out that the Press Council has no *locus standi* in this matter. It is a statutory body whose function, primarily, is to preserve the freedom of the press. In matters of libel, all it can do is censure the publication, if it is guilty. And yet, the government decided to involve the Press Council, it seems, solely to buy time.

Interestingly, after the initial affidavit opposing the admission of the petition, Thackeray and Raut did not bother to file another affidavit answering the allegations made by the petitioners. Also, they never disputed the statements attributed to them. Nor did they state on oath that their writings do not attract Sections 153A and 153B of the Indian Penal Code. It is commonplace in law to take the averments of the petitioners as accepted, if the respondents fail to file a reply. On this basis alone, the High Court could have pronounced them guilty (Seervai, 1995:12). Instead, on September 27, 1994, it dismissed the petition on

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refer to would not be restored *(sic)*.

For details of all the editorials and the Court's exegesis on them, see *Communalism Combat*, vol. II, no. 5, Jan. 1995, p.6.

the ground that "none of the articles on which the petitioners had relied violated Section 153A, and that, in any case it was not advisable to re-open the subject after considerable time had elapsed, as it may re-kindle communal feelings" (*Communalism Combat*, 1995:7).

For each offensive piece of writing, the High Court provided an exegesis and, in every instance, ruled that the respondents had not hurt the sentiments of Muslims or created ill-will between Hindus and Muslims. In what seems to be a revealing, though disingenuous, interpretation, the judges ruled in one instance that the editorial alleging that "25 crore Muslims loyal to Pakistan will stage an insurrection"(see footnote 23) was not a reference to the entire Muslim community but "appears to be a typographical error" since there are only 11 crore Muslims in India. Furthermore, they said: "...the dominant impression which the reader is likely to carry is definitely not ill-will, spite or hatred towards Muslims in general but it may carry ill-will, spite or hatred against unlawful behaviour of anti-national Muslims...." *(sic)* (*Communalism Combat*, 1995:6). Acclaimed Constitutional expert H. M. Seervai described the judges' interpretation "absurd and perverse" (Seervai, 1995:12). As he rightly points out, there was no basis or evidence to conclude that '25 crore Muslims' was a typographical error. In fact, it was a volitional exaggeration aimed at creating a fear psychosis in the minds of innocent lay Hindu readers, a strategy that the Hindu right invariably used (ibid.). Besides, the judges waded right into the contentious question of the patriotism of Muslims by inventing a non-existent distinction between Muslims and anti-national Muslims. Who is to decide this question? What is the basis for the judges' conclusions?

The premise that since "considerable time has elapsed" the case need not be re-opened is equally open to question. Firstly, the lapse of time was not the mistake of the petitioners as they all along pressed for a quick decision in the case. The delay was mainly due to the perfunctory attitude of the government and the police and partly because the courts have a huge backlog. Secondly, neither the government nor the police had claimed the excuse of lapsed time in their affidavits to stall prosecution. They both did not raise any objections on the ground that the case might re-ignite communal feelings. One wonders why the High Court felt impelled to bring in issues that were extraneous to the merits of the case.

Equally perplexing is the fact that the entire 57 page judgement gave the impression of trying to justify the scurrilous writings of *Saamna*. In fact, as Nariman emphasizes, "(N)owhere in the judgement does the High Court express any displeasure at the tone and content of the offending articles" (Nariman, 1995:2). One possible clue that could explain the servile attitude of the Court can be traced to the utterances of Thackeray. Right when the *Saamna* case was being heard for admission in the court, Thackeray was widely quoted in the media as having made the following statement in June 1993:

> I piss on the Court's judgements. Some people are trying to get a case admitted against me. But I am not afraid of court judgements. Most judges are like plague-ridden rats against whom direct action should be taken *(sic)* (quoted in *Communalism*

Combat, 1995:2-3).[69]

Again, even as the *Saamna* case was underway, on June 19, 1994, Thackeray was reported to have urged his party cadres to "arm themselves with AK 56 rifles and carry these and other such weapons on their person" (ibid.). By no means, were these random statements. It is common knowledge in Bombay that Thackeray does not spare anyone who opposes him,[70] including the judiciary. In fact, every day the *Saamna* carries his inflammatory statements and articles. And yet, instead of initiating contempt of court proceedings on their own, the judges completely ignored his comments and sustained anti-minorities campaign.

The petitioners filed a special leave petition in the Supreme Court under Article 136 of the Constitution requesting it to review the judgement of the Bombay High Court. Justices K. K. Punchi and Jaychandra Reddy, who heard the matter, refused to entertain the special appeal and dismissed it at the admission stage itself. The judges declined to intervene because they felt that their colleagues on the High Court Bench had "a correct picture of the pulse of the city" and it would be improper for the Supreme Court to ignore their reading of the situation (*Communalism Combat*, 1995:13). The Supreme Court concurred with the lower court's decision that it would be unwise to rekindle communal feelings by re-opening the case. Furthermore, it said that there was no need to review the verdict because the provincial government had sanctioned the prosecution of Thackeray in some cases. Even after the petitioners pointed out that they were cases involving the abuse of a single Muslim officer and not the entire community and that the provincial government had denied that there were grounds to prosecute him under Sections 153A and 153B, the Supreme Court remained unmoved. The court's summary dismissal of the special leave petition was a big blow to the cause of secularism. It was widely condemned by the legal community.[71] The net effect of this whole exercise was to send the message to the public that their racists slurs against the minorities will not merit any punishment.

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[69] The Crime Branch, Criminal Investigation Dept., Bombay Police, has a recorded version of this speech. The court could have satisfied itself regarding the authenticity of the statement by directing the police to produce it as evidence, but chose not to do so.

[70] Thackeray edits two party publications: the Marathi daily, *Saamna*, and a Hindi eveninger, *Dopahar ka Saamna*. In both publications he routinely uses foul expressions to discredit his opponents. Muslims are the special targets of his sulphurous pen. He invariably refers to them as *laandiya*, meaning the circumcised ones. Socialists are lampooned as *laal keede* (red worms) or *laal bunder* (red monkeys). He has openly criticized the judiciary and accused the judges of corruption. In one instance, the Supreme Court let him off after he tendered an unconditional apology for criticizing a senior judge of the court belonging to the minority community. Another case of contempt of court is still pending. For a report on his abusive writings, see *Frontline*, vol. 11, no. 6, March 12-25, 1994, pp. 27.

[71] Justice Suresh, a retired judge of the Bombay High Court, described the Supreme Court's dismissal as 'absolutely shocking.' The former Attorney-General of India, Soli Sorabjee said that it was 'extremely unfortunate.' Veteran Constitutional expert Nani Palkhivala stated that he was 'deeply distressed' by the Court's ruling. H. M. Seervai, another legal luminary, condemned the ruling and urged the Court to recall its order and review the petition once again. Secular activists involved in bringing out *Communalism Combat* ran a letter campaign requesting the Chief Justice of the Supreme Court to review the case but nothing came of it. For details, see *Communalism Combat*, vol. II, no. 5, January 1995.

From our discussion so far, two facts stand out. First, the statutes concerning religion and politics are flawed and not efficient in checking the harmful influence of religion in politics. Second, the interpretation of these flawed statutes by judges is partisan and inimical to the interests of the minorities. Let me explain these points at some length.

LEGAL LOOPHOLES IN PROMOTING SECULARISM

The number of instances in which flawed laws are responsible for thwarting secularism are countless. Of these, only a handful end up in the courts. If the laws themselves are shoddily drafted and provide room for ambiguity, then the judges have a ready made excuse to refrain from taking stringent action. The net result is that secularism remains an empty rhetoric while Hindu majoritarianism reigns supreme. What is deplorable about this dismal scenario is that though it can be remedied through simple amendments and prompt action, the state has time and again refused to act with alacrity.

Take, for instance, the provisions of the R. P. Act dealing with corrupt electoral practices. They are often held up as evidence of the constitutional mandate to keep religion and politics apart. A little known fact, however, is that electoral laws are in effect only from the date of the official notification of elections till the final announcement of results. This means that all political parties can indulge in communal propaganda and misuse religion for partisan ends, with impunity, till just weeks before the actual elections. It could be argued that this menace can be checked under the general law, particularly by charging the culprits under Sections 153A and 153B of the Indian Penal Code, which specify that making communal and hateful speeches at any time is an offence. Again, the hitch is that only the state has the power to charge people under Sections 153A and 153B, not private individuals.

Thus, if Muslims are the targets of a hateful speech, then all they can do is petition the provincial government (since law and order are provincial matters and are on the state list) to book the hate mongers. Strictly speaking, the state must take action, of its own accord, in the interest of communal harmony. But this seldom happens in reality. In fact, even when the aggrieved communities pressure the government to prosecute hate-mongers, it resorts to dilatory tactics. If, after Herculean efforts, the government is forced to lay charges, even then it has two options to bail out the miscreants. First, it prolongs the case by getting it adjourned as often as possible, on the pretext that it needs time to investigate the charges. After public interest dies down, the case is silently withdrawn on the plea that there is insufficient evidence to prosecute the accused. Second, even if the case goes on trial, the prosecution, i.e. the state deliberately dilutes its case, forcing the judge to throw out the charges and acquit the accused. One reason why the government in power often is reluctant to secure conviction for communal propaganda, particularly if the person/party in question belongs to the Hindu right, is because it is political suicide to come across as 'anti-Hindu.' Also, swift and severe action against the culprits would make them martyrs in the eyes of the Hindu majority and they could potentially exploit their martyrdom for acquiring votes in the next elections.

One thing clear from the lacunae of the R. P. Act and Sections 153A and 153B of the Indian Penal Code is that what ever else these statutes accomplish, the separation of religion from politics or even stopping the misuse of religion for political purposes is not one of them. That the legal loopholes have not been plugged and the state has almost never shown any political will to prosecute communal elements under these laws casts a serious shadow of doubt on its sincerity in promoting secularism.

Further proof of the state's dithering on secularism comes from its statutory requirement that the 'consent' of a candidate[72] has to be established to hold him/her responsible for the speeches of his party leaders misusing religion for enhancing the candidate's chances of victory. This is too onerous a burden on an election petitioner because candidates invariably cover up all overt or covert evidence of their consent for the speeches of their party leaders. We have seen that eventually several Hindutva cases were dismissed on evidentiary grounds. It is all too well-known, however, that all candidates vie for getting the top leaders of their party to canvass on their behalf. Similarly, as I had mentioned earlier, the requirement of proof that a leader's speech 'materially affected' the outcome of an election is too difficult to provide. It says something about the state's intention to restrict the role of religion in politics that it would make it so veritably impossible to establish that religion was indeed misused in elections. It is not inconceivable that a more genuine attempt in this direction would shift the onus of disproving the charge of invoking religion on the culprits and thereby block their chances of getting away on the strength of the benefit of doubt, as often happens now. An equally urgent task is to divest the state of its monopoly over the right to prosecute hate-mongers. All citizens should be able to exercise this right.

THE SOCIAL BACKGROUND OF THE JUDGES

A conspicuous feature of the various cases discussed above is that, aside from their tendentious interpretations, in most instances, the judges needlessly resort to lengthy obiter dicta about issues like Hinduism, Hindutva, secularism, and the need for the assimilation of the minorities. Considering that such exegesis are neither material to the merits of the case under consideration, nor particularly illuminating, one wonders why judges use the obiter dicta to express their ideological preferences. Could it be that they are trying to institutionalize their interpretation of crucial issues and impart to them the stamp of judicial legitimacy? If so, is it fair to do so? More to the point, why do judges tend to interpret polemical issues from a majoritarian perspective? To answer these questions, one has to acquaint oneself with the sociology of the Indian judiciary which, unfortunately, is a less explored area.

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[72] Currently , a five judge Bench of the Supreme Court is reviewing the Manohar Joshi and five other Hindutva judgements. It will examine five major issues raised by these judgements. One of them pertains to the question of consent. The court will address the issue of whether consent can be 'inferred' or will have to be proved. The second questions deals with the circumstances under which the speeches of political leaders constitute 'corrupt practice.' The Bench going into this reference will also be called upon to specify clearly how to interpret 'corrupt practice' and what acts come under its purview.

Although no nation-wide study of the caste/class composition of the judiciary has been attempted so far, it is reasonable to presume that the overwhelming majority of the judges belong to the three twice born castes. It is indeed true that, in keeping with the national quotas for affirmative action, some individuals belonging to the erstwhile untouchable and aboriginal communities have become judges. Likewise, the minorities also have a largely symbolic presence in the judiciary.

In terms of their average class background, again there are variations ranging from the lower middle class to the upper class. Considering the grinding poverty of the majority of the population, the judges come from relatively affluent backgrounds. Their higher caste and class status often results in their adopting a patronizing attitude toward the minorities and the lower castes and blunts their ability to appreciate the latter's point of view. More significant than their upper caste and class origins, however, is the fact that the judges are all products of an educational system that valorizes Hinduism and its followers while vilifying the minorities. Like the general populace, therefore, judges are also raised on a staple of Hindu glory, Islamic 'barbarity,' the importance of submitting to tradition, authority, religious canons, and so on. A related factor is that education in India is geared to wilfully smother critical thinking. Hence, there is a general reluctance to interrogate received wisdom, particularly on religious and cultural issues. I shall not go into the details here as I will be discussing some of these topic in subsequent chapters. The general point I am trying to make is that very little in the educational training of the judges makes them particularly sensitive to minority rights, Taylorian notions of 'recognition' of different cultures, and so on.

In some instances, judges are driven by their ideological preferences. There are, among the members of the robed brethren, several who genuinely believe that Hinduism offers the most viable plank on which the diverse elements of the nation can be united. Such individuals consider it their patriotic duty to reiterate the salience of what they consider as 'Hindu values,' 'Hindu norms' and so on. They, therefore, make extra effort, often by twisting logic and reasoning, to underscore the civilizational goals of Hinduism and its utility not only for India's minorities but for the whole world. The point to note is that damaging though their verdicts are, as we saw in several instances above, some of these judges are motivated not so much by malice or hatred as an authentic conviction that their view is indeed correct and appropriate. To a large extent, such notions are rooted in one's conservative caste/class background and orthodox educational training. By diversifying the social composition of the Bench and radically restructuring the curriculum of legal education, the state can ameliorate this situation. But, it has chosen to ignore all such recommendations for the effective dispensation of justice.

From the discussion so far, does it follow that India has no percipient judges? That they are all rank conformists with no awareness of wider issues? It need not be laboured that India abounds in progressive attorneys and jurists. The point, however, is that the really discerning advocates rarely opt to become judges. They prefer remaining in private practice because of the meagre compensation provided to judges. Besides, political interference, frequent 'punishment' transfers, and so on deter them joining the Bench. Consequently, the level of judicial discourse suffers to some extent. Let me explain this point further.

Till April 1998, the salaries of Supreme Court and High Court judges were as follows:

Designation of the judge	Monthly salary in Rs. and Cdn $
Chief Justice of the Supreme Court	Rs. 10,000 ($ 370.37)
Judge of the Supreme Court	Rs. 9,000 ($ 333.34)
Chief Justice of the High Court	Rs. 9,000 ($ 333.34)
Judge of the High Court	Rs. 8,000 ($ 296.29)

(Source: The Constitution of India, Majumdar and Kataria, 1996: 211- 214.)

In April 1998, the Government of India promulgated the High Court and Supreme Court Judges (Conditions of Service) Amendment Ordinance, 1998. Its objective was to raise the salaries and pensions of judges in the High Courts and Supreme Court. The revised salaries of the judges are as follows:

Designation of the Judge	Monthly salary in Rs. and Cdn $
Chief Justice of the Supreme Court	Rs. 33,000 ($ 1222.22)
Judge of the Supreme Court	Rs. 30, 000 ($ 1111.11)
Chief Justice of the High Court	Rs. 30,000 ($ 1111.11)
Judge of the High Court	Rs. 26,000 ($ 962.96)

(Source: The Gazette of India, Part II, Section I, No. 191, April 24, 1998, New Delhi)

Apart from salary, the government provides the judges official bungalows for residence, chauffeur driven cars, subsidized telephone, orderlies such as a cook, a gardener, a couple of menial servants, security guards and the like. It also gives pension, medical benefits for the judges and their immediate families, and sundry perks.

It is true that by Indian standards High Court and Supreme Court judges live in modest comfort during their years in service. With the revised salary and perquisites, the compensation provided to judges is far better now than what it used to be in the past. But still, it bears no comparison with the astronomical sums of money an attorney can earn in private practice. A reputed attorney can command for a single appearance in the court the equivalent of what a judge earns in a whole month! The disparity in income is so large that it effectively discourages bright attorneys with legal acumen from accepting judicial positions.

While the situation described above obtains almost all over the world, in India the economic insecurities are so intimidating that they tend to imperil the autonomy of the judges and make them susceptible to extraneous considerations. What is particularly worrisome for the judges is the prospect of their diminished socio-economic status after retirement. Once they demit office, they have to live on small pensions and surrender their bungalows, cars, and other facilities. The government provides them with subsidized housing and most judges pursue 'chamber practice' i.e., they earn additional income by providing legal services. Judges of the High Courts practice in the Supreme Court. Even so, except in the case of brilliant judges with established reputations, most of them find it difficult to branch out on their own at the fag end of their career. Thus, retirement, in most cases, is synonymous with a steep diminution of income, perquisites, and facilities.

The upshot of such insecurity is that, to offset the loss of income and perks, some judges tend to be on the side of the establishment in the hope that they will be rewarded with sinecures after retirement such as Chair of judicial inquiries, advisory bodies, law commission and so on. To qualify for such plum assignments, one has to reaffirm the official line of thinking on controversial matters and not write subversive verdicts. There have been several instances where judges have joined politics after retirement and rehabilitated themselves in the parliament or in ministerial positions in the government. It would not be too far-fetched to think that individuals harbouring such ambitions while serving on the Bench, are unlikely to ruffle the feathers of their prospective patrons.

I am not suggesting that economic insecurities force all judges to become venal and partisan. Or, that all of them try to manipulate the system to their advantage. On the contrary, in spite of the severely straitened circumstances, heavy work load, lack of facilities and research assistance, and the constant threat of reprisals from aggrieved quarters, the majority of Indian judges have given a stellar account of themselves and are the epitome of rectitude.

Having noted this heartening fact, I must also add that the state has deliberately denied the judges reasonable levels of security, comfort, and facilities, both while in service and after retirement, and thereby provided room for some individuals to succumb to unsavoury temptations. If the state was genuinely interested in upholding the rule of law and providing speedy justice to all, it would have rectified such anomalous circumstances long ago. Thankfully, following titanic efforts, the state recently hiked the salaries of the judges as we saw earlier. The situation of the lower judiciary, however, continues to be abysmal. Consequently, one often comes across disturbing reports of a relatively higher incidence of malfeasance at that level. The stolid Indian state, however, has not addressed their concerns as yet.

A more ominous development that compromises the fairness of the justice system is the growing threat of intimidation and violence. Judges who deliver radical verdicts, those who seem to be pro-minorities or the lower castes, or even pro-poor, often run the real risk of physical threats to their lives and to those of their loved ones. These threats come from

Hindu militants, upper caste lobbies, agents of big business, and political parties.

The situation, in fact, is so precarious that recently while trying a sensitive money laundering case involving top politicians, the Chief Justice of the Supreme Court and his brother judges voiced their concerns in the open court that some individuals were trying to influence their decision through threats and inducements. It is widely rumoured that the judges of the Bombay High Court who decided the *Samna* case, acquitted Bal Thackeray, the Chief of the Shiv Sena, for fear of retribution. Considering the sensitive nature of these matters, it is hard to provide concrete evidence about the source and other details of the threats. What, however, cannot be denied is that public outbursts and threats against the judges have increased to an alarming degree. Since the state often tacitly supports such forces, most judges consider discretion to be the better part of valour.

CONCLUSION

All told, the future of secularism is rather precarious because whether or not it will be upheld in the courts depends less on the merits of the case and more on extraneous circumstances such as the ideological bent of the judges who pass the verdict or the strength of those trying to influence its outcome. Generally speaking, there are two types of judges: assimilative secularists and pluralist secularists (Dhavan, 1987:239). Of these, the former outnumber the latter. Though judges of both categories claim to be in favour of secularism, as their conceptions differ vastly, so do their judgements. The only consolation in this otherwise bleak scenario is that from time to time, pluralist judges have interpreted secularism from the minority perspective and, at least temporarily, arrested its eclipse by the assimilationist viewpoint.

CHAPTER 5

THE HINDU NATIONALIST DISCOURSE ON SECULARISM

To a large extent, the project of nation-building involves assimilating the variegated communities within the 'societal culture' of the dominant majority (Kymlicka, 1997). Globally, the state and the ruling elites have more often than not preferred uniformity because it is amenable to firm social control and makes governance easy. Most important, homogeneity promotes social cohesion. Nation-states that lack a common culture binding their peoples always have to contend with the threat of disintegration. It should come as no surprise, therefore, that a plural society like India should be seriously concerned about achieving national integration through uniformity.

National unity can be realized in a number of ways, including ones that do not conflict with the rights of minority cultures. If the state and its elites value diversity and wish to nurture it, then they ought to institutionalize civic nationalism and notions of citizenship based on human rights, equality, and equality of opportunity. Secular, civic nationalism, however, cannot strike roots in a deeply stratified, iniquitous society. It requires a reasonably level playing field.

The question of national solidarity becomes complicated when nation-states try to circumvent the requirement of egalitarianism and human development. Trying to convince discrete communities that they should consider themselves as parts of one indivisible nation can be challenging if such nationalist appeals are not predicated on tangible rewards. Quite often, therefore, most nations pursue unity by positing a national identity that is distinct from that of 'others' (Triandafyllidou, 1998). In other words, nations establish the authenticity of their identity and infuse meaning and content in it by contrasting it with that of those who do not belong to the 'nation.' Thus, while the members of a nation have several features in common like language, religion, culture, cuisine and so on, they are also made aware that 'others' differ from them in all these respects.

To emphasize the distinguishing features of one's own identity and to differentiate it from that of others, all 'national' cultures make use of arguments drawn from history, culture, philosophy, politics, art and so on. They often 'invent traditions' that valorize national symbols, so-called national values and such other insignia to which lay individuals can easily relate (Hobsbawm, 1997:13). Many of these invented traditions also project the 'other' as a foil to the national community. The whole point is to concretize in the popular imagination all the characteristics of a sacrosanct national identity. By highlighting supposed cultural and historical differences, the governing elites effectively obviate the need for a fundamental socio-economic restructuring that secular nationalism demands.

We have seen that all nations thrive by projecting a significant other. As to who qualifies for this status depends on the peculiar historical, political and cultural circumstances of the nation. Thus, in some instances, the 'foreigners' of a neighbouring rival nation might be the 'others' (Triandyfallidou, 1998:602). In others, it could be an ethnic community within a multicultural nation. The significant others acquire salience in inchoate nations, although well-developed nations also require them to keep their national identity in tact. More often than not, in periods of national upheavals, great socio-economic turmoils, and drastic social change resulting in heightened insecurity and social dislocation, the significant others serve twofold purposes. First, the dominant majority holds them up as a common enemy and makes them a scapegoat for all the ills of the nation (Triandafyllidou, 1998:603). By focussing on the other, the majority elites shift popular attention from their own lacunae. Second, they invoke the so-called threat posed by the others to weld the disparate groups within their broad community. In both instances, the idea is to secure the allegiance of the lay members of the majority community while isolating the significant others. 'Others,' therefore, not only serve as scapegoats but also as boundary markers and reinforcers of the solidarity of the ingroups.

In most instances, the rhetoric about significant others succeeds because the majority communities use a number of time-tested strategies. They include repeating lies, falsehoods, and myths about the 'outsiders,' invoking powerful religious and historical controversies of the past that strike a chord among lay citizens, and celebrating one's own pristine origins, innate moral superiority, and greatness as God's chosen people. Another powerful factor pertains to projecting a millenarian dream and the vision of a glorious future. Taken together, these factors often tend to give the impression that the ills of the nation are due to the subversive activities of the 'outsiders' and that the latter must be either expelled or marginalized, or forced to relinquish their separate identity and take on that of the majority community. No matter how elaborately constructed, the minorities often contest the thesis about the 'other' and try to lay bare its factual inaccuracies. By contesting the master narrative about themselves, they seek to emancipate and empower themselves. This process is currently unfolding in India today.

The Hindu right in India is involved in this process of polarizing a plural society into water-tight majority and minority communities by criticizing the discourse of secularism. To those uninitiated in the intricacies of the political discourse of India, the polemics of secularism involving seemingly arcane questions of history, culture, religion, law, demography and the like might appear to be a tangled skein of knotty issues. The apparent complexities of the debate, however, are meant to camouflage what is essentially a discourse of power. The asperity that any discussion on secularism evokes is symptomatic of the subterranean struggle for ideological and political dominance that has progressively exacerbated since the '60s. Success in this endeavour crucially depends upon the ability to privilege history and culture.

In this chapter, I argue that the so-called debate on secularism centres around chimerical issues that do not stand up to critical scrutiny. It is a proxy war for the hegemonic appropriation of the history, culture, and religious traditions of India. The BJP and its allies have zeroed in on secularism, virtually to the exclusion of everything else, because it lends itself to positing an 'us versus them' dichotomy between Hindus and Muslims without arousing suspicions about their subliminal political agenda. They harp on the imaginary flaws of secularism to focus on the 'other,' i.e., the minorities, and to deflect attention from the inequities of Hinduism and its caste system.

Though baseless to the point of being absurd, the BJP's arguments have mass appeal and dangerous consequences, as we will see. Also, the growing popular support for the BJP --from a mere three percent of the votes and one MP the precursor of the BJP had in the 1952 general election to 36.2 percent and 250 MPs in the 1998 general election--attests to the success of its sustained campaign against secularism.

Of the five major religious minorities in India: Jains, Buddhists, Sikhs, Christians and Muslims, the Hindu right has singled out the Muslims, Christians and lately, the Sikhs for trenchant criticism. Jains and Buddhists have escaped their wrath to a large extent because of a combination of factors. First, they comprise a negligible portion of the populace (0.41 and 0.77 percent respectively) and pose no threat to the Hindus. Second, in their bid to swell their own ranks and co-opt like minded religious groups, Hindus tend to consider Buddhists and Jains as part of their own community. Hindus have incorporated the Buddha in their pantheon and describe him as an incarnation of Lord Vishnu. Besides, though both Jainism and Buddhism arose as protestant movements, they are now treated as sects within Hinduism thereby eliding significant doctrinal, ritual, and other differences between them and Hinduism. Jains and Buddhists acquiesce in the all-encompassing Hindu dominance because of their small numerical strength, doctrinal affinities with Hinduism, and also because by aligning themselves with the majority Hindu community, they can reap benefits that would be denied to them otherwise. In spite of their low profile, both Jains--who overwhelmingly comprise the trading community--and neo-Buddhists, i.e., former untouchables who converted to Buddhism, have been the targets of Hindu intolerance and violence, as we saw earlier.

The Sikhs comprise 1.99 percent of the population and are mainly concentrated in the Punjab where they are in a majority. Legally, they do not have an identity separate from that of the Hindus. Neither do the Jains and Buddhists. All three groups are included within the Hindu rubric under the Constitution. The relations between Hindus and Sikhs have been marked by tensions, particularly since the early years of this century. Sikhism is a syncretic faith that combines in itself the egalitarian and sublime aspects of Islam and Vedanta. However, since the *Guru Granth Sahib*, the holiest scripture of the Sikhs, is replete with myths, stories, and legends from Hinduism, a tendency exists among Hindus to consider the Sikhs as part of their own community. The Sikhs, though, have resented and opposed Hindu attempts to coopt them. Since the 19th century, they have affirmed their separate Sikh identity and resisted Hindu strategies to obliterate it. In the early 1970s, for a variety of reasons which should not detain us here, the Sikhs were pushed to adopting a militant posture demanding recognition and respect for their identity. Intransigence on the part of the Hindus was one of the main reasons why it escalated to an agitation for a separate Sikh state of Khalistan. In the wake of the Khalistan movement, the Hindu dominated Indian state perpetrated severe atrocities and abuses of human rights to subdue it. The relations between Hindus and Sikhs have been strained since then, with the former bitterly complaining about the 'treachery' of the latter. Hindus have not been successful in discrediting the Sikhs, chiefly because they have a well-deserved reputation as a hard working and entrepreneurial community.

Unlike the Jains, Buddhists and Sikhs, Hindus consider Muslims and Christians as 'outsiders' regardless of the fact that they have lived in India for centuries. They argue that both communities have 'non-Hindu' blood coursing through their veins because they follow Abrahamic religions: Islam and Christianity. Moreover, Muslims and Christians are perceived as 'conquerors.' They both 'humiliated' the Hindus and subjugated them for hundreds of years. An overwhelming majority of Indian Muslims and Christians are converts or descendants of converts belonging to the erstwhile Hindu lower castes. Thus they are renegades from Hinduism, or at least perceived as such by the Hindus who have not yet forgiven them for their apostasy. Hence, for all these reasons, the two communities are the special targets of Hindu ire.

If Hindu nationalists are to be believed, then the nearly 105 million strong Muslim community, comprising 11.67 percent of the population, poses the gravest socio-economic, religious, cultural and political threat to India. They unequivocally maintain that insofar as secularism claims to protect the interests of the minorities including the Muslims, it must be abrogated, irrespective of what it actually does for them. But why Muslims? I have discussed some of the reasons; there are several others that are as important.

Hindu nationalists are implacably opposed to the Muslims because they see them as members of a community that thwarted their hegemonic aspirations. Hindu nationalism was nurtured on the fantasy of a single, undivided Hindu nation extending from what is now Pakistan in the west to the tip of Bangladesh in the east. It was a grandiose vision of the upper castes that evolved as freedom from colonial rule loomed on the horizon. Both Hindu nationalists and leaders of the Congress, the former overtly and the latter in more subtle ways, harboured the hope that religious nationalism anchored in Hinduism would provide the ideological justification for their continued leadership even after adopting formal democracy and in an era that was hostile to privileges based solely on ascribed status. They endeavoured to set themselves up as the arbiters of an essentialized Hindu culture that could be used to weld the multi-religious, multicultural communities of British India into a mammoth nation of continental proportions.

What the Hindu nationalists had not reckoned with, and have not reconciled to even now, is that it is futile to expect all the communities to subscribe to a national imagination that does not provide them reasonable scope and say in how it should be actualized and what rules should govern it later. More fundamentally, in an epoch of rising popular aspirations, one whose watchwords were universal rights and adult franchise, Hindu nationalism had little chance of success since it was premised on the idea of assimilation and not integration. The Muslim community had reasons to feel extremely apprehensive about its future in Hindu dominated India. As a reaction to Hindu nationalism, it demanded a separate homeland.

The partition had serious and unsettling consequences for the efflorescence of Hindu nationalism. First, it held up in bold relief the oppositional nature of Indian nationalism. The Muslim League's demand for Pakistan flew in the face of the supposedly universal approval of the Congress and Hindu imaginings of nationalism. Second, perhaps for the first time in contemporary history, the League demolished the myth of the unchallenged leadership of the Hindu dominated Congress by debunking its assertion that it represented the interests of all

Indian communities. In fact, it was able to endear itself to the Muslims on the ground that they could expect little other than maltreatment at the hands of the Congress. Thus, the League not only exposed the Hindu bias of the nationalist movement, but also opened the floodgates for similar challenges from other communities.

Since independence, the Indian State has had to deal with what it calls 'secessionist' movements in Kashmir, Punjab, and Assam and other parts of the north-east. Currently the aborigines of Jharkhand in southern Bihar, and the residents of Uttarkhand in Utter Pradesh are agitating for greater regional autonomy, if not outright secession from India. The state has used two strategies to deal with such 'secessionist' movements: coercion and accommodation, in that order. That it has not been able to wipe them out in spite of employing its gargantuan coercive apparatus should give us some sense of how genuinely aggrieved these communities are. Furthermore, even accommodation is no longer uncomplicated; the agitating groups now lay down the terms and demand that they be given more autonomy and a greater share in the power structure. While each 'insurgent' movement has its own history and springs from the culmination of several factors, what cannot be repudiated is that the precedent of the partition exemplifies the trajectory that such movements could traverse in an extreme scenario. This is not to argue that if the partition had not taken place, then all subsequent movements would not have arisen. It would also be difficult, however, to deny that the creation of Pakistan provided room for entertaining similar hopes. The point I am trying to make is that the Hindu perception is that Muslims derailed Indian nationalism by challenging its Hindu basis and leadership. It is hard, therefore, for many Hindus to accept that Muslims living in India today can be genuinely patriotic. One could legitimately object to the reified notions of community implicit in the categories 'Hindu' and 'Muslim.' The reification is not innocent and is a standard feature of discourse of Hindu nationalism and is the cornerstone of its politics.

The Hindu nationalist critique of secularism is multi pronged and so widely entrenched in the civil society that it has acquired the status of common sense. It comes as no surprise that criticizing secularism invariably takes the form of making allegations against the Muslims because of the widespread notion that secularism is meant to essentially mollify them. That secularism stands for much more than humouring the minorities should be fairly clear to anyone acquainted with how the concept evolved in Indian politics. Yet, the Hindu right has whittled down its scope and meaning with the intention of belittling its importance. Unfortunately, except for sections of the discerning elite, the vast majority seem to have internalized the Hindu critique without worrying much about its veracity. Hence, it would be instructive to scrutinize the criticisms against secularism individually.

APPEASEMENT OF MUSLIMS : ARE THEY A 'PAMPERED' MINORITY?

The phenomenal credibility of the idea that successive governments have 'appeased' or 'pampered' Muslims betokens the abysmal level of political awareness in India. It also confirms that highlighting facts selectively, distorting them by divorcing them from their context, and repeatedly uttering plain falsehoods yield rich political dividends. An oft-cited example of 'pampering' Muslims is the subsidized airfare and other facilities provided to Muslim Haj pilgrims. Though factual, this is only one facet of the truth. Hindu pilgrims at the *Kumbh Mela* (a massive Hindu fair cum festival held on a small scale once every six years and on a large scale every twelve years) also avail of subsidized benefits. Besides, several other Hindu festivals and functions receive largesse from the government routinely. But the BJP will never acknowledge these benefits.

Likewise, the BJP and its allies demanded that the government should respect freedom of speech and reject the Muslim demand to ban Salman Rushdie's *Satanic Verses*. When Prime Minister Rajiv Gandhi turned down their pleas and banned the book in India, the BJP held it up as another instance of Muslim intolerance and of the government's desire to 'appease' Muslims. It was another matter when the Hindus complained that Stanley Wolpert's *Nine Lives of Rama* offended their religious sensibilities and got it banned in 1973. Again, in 1988, when the Congress led Maharashtra government published Dr. B. R. Ambedkar's *Riddles of Hinduism* -- a critical and somewhat irreverential, subaltern analysis of Hinduism -- the Shiv Sena and the BJP led massive agitations demanding that the book be recalled (Jadhav, 1988:348). More recently, the Shiv Sena imposed an unofficial ban on Rushdie's *The Moor's Last Sigh* because it caricatured Bal Thackeray, the Sena Chief. Such instances of adopting contrary positions to suit their politics is entirely consonant with the Hindu right's assertion that it has the right to distinguish acts of intolerance from those of patriotism.

Hindu militants have also spread canards and negative stereotypes about Muslims that have a ring of verisimilitude. For instance, they always harp on the lack of morality among Muslims and their 'criminal' bent of mind. As proof, they mention the names of Haji Mastan, Bakhia and Dawood Ibrahim, all of whom are, indeed, notorious Muslim smugglers and drug dealers. It is also true that the percentage of Muslim criminals is perhaps disproportionately high when compared to their percentage of the population, although one cannot be sure because India does not collect crime related statistics on a national basis; neither is it tabulated on communal lines. In any case, the involvement of Muslim youth in crimes is easy to discern, particularly from press reports. Rather than being reflective, however, of their so-called 'criminal' propensities, it proves that the socio-economic structure discriminates against them heavily and predatory commercialization leaves them with little choice other than taking to crime (Bagchi, 1991: 212). The Hindu right has never appreciated such structural obstacles in the lives of the minorities.

The BJP and its allies have invoked the appeasement argument every time a government deals with a Muslim issue. What, exactly, is appeasement? Judging from the frequency of their allegation, it appears to be any measure geared to the amelioration of the Muslims or even contemplating such an idea. A more benign definition seems impossible considering that the Hindu right has blown the most trivial issues out of proportion to earn support for its idea that Muslims are getting a better deal than the Hindus. The moot question is, though, is this really true?

Anyone wanting to investigate the BJP's claims is bound to be struck by the near total absence of any reliable, national level data on the socio-economic conditions of Muslims. In fact, the lack of statistics is one crucial reason why the BJP critique seems credible and is widely accepted without any questions. Though the decennial census conducted by the federal government is of some help, since it does not tabulate data on communal or religious basis, its utility is limited. The official explanation for not collecting statistics for each community, of course, is that it might upset social harmony. Though unimpeachable at one level, one can be hardly faulted for getting the sense that the inter-communal amity thesis is a respectable cover for the government's reluctance to face inconvenient facts. Whatever be the politics of the census operation, the paucity of data on, say, levels of education among Muslims, their participation in the bureaucracy, trade, industries, and so on is a real handicap as it occludes the severity of the incidence of poverty among the minorities. In any case, as things stand, only two options exists to deal with the problem. First, one has to extrapolate figures concerning the minorities from the general census data, but that is no substitute for systematic surveys of socio-economic indicators of their well-being. Second, one has to rely on numerous small and medium scale surveys conducted by NGOs, special interest groups, social research organizations, and occasionally by the government.

Those who talk of the 'appeasement' of minorities do not seem to appreciate that even the federal government did not have a clear sense of the plight of the minorities till the early '80s. In 1980, Prime Minister Indira Gandhi instituted a 'High Power Panel for Minorities' to determine the extent of their socio-economic deprivation and suggest policies for their amelioration. The findings of the Panel and subsequent surveys conducted by some of the provincial governments revealed details of the abysmal levels of deprivation, unemployment, and illiteracy among the Muslims. In the interest of brevity, I shall succinctly mention the highlights of the various surveys.[73]

1. 52 percent Muslims are below the poverty line as against 30 percent of the general population. 51 percent of Muslims are illiterate. Only four percent of them finish high school and just 1.6 percent are college graduates. Muslim representation in government service is no more than 4.4 percent. A meagre two percent of Muslims have been employed in the military and police forces. They constitute less than five percent of those who get industrial loans from the government (quoted in Zakaria, 1995:176).

2. In January 1981, out of 3883 officers of the elite Indian Administrative Service (IAS), only 116 were Muslims; in the police force, out of 1573 officers of the Indian Police Service (IPS), the number of Muslims stood at 50, i.e., three percent (Noorani, 1990:254-55).

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[73] I have relied mainly on Zakaria's (1995) statistics because he was the Member-Secretary of the High Power Panel on Minorities formed in 1984. He was specifically in-charge of the research work of the Panel and he supervised the collection of the data and the finalization of the conclusions drawn from the nation-wide sample surveys. The Panel conducted the research under the aegis of the government and the latter accepted its findings. In other words, the findings of the Panel have the seal of approval of the government. They are not the tendentious figures of a special interest group. For details, see chapters 10 and 11 in Zakaria, 1995. In addition to the findings of Zakaria's Panel, I have also drawn from reports on the findings of the various studies commissioned by provincial governments.

In the all India Civil Services exams conducted in 1982, only 19 Muslims out of 963 candidates were successful (Zakaria, 1995:147). In 1973, the government decided not to compile community-wise statistics on representation in government jobs. However, according to a survey conducted by the United Economic Forum of Bombay, in 1994, only 1.6 percent of IAS officer were Muslims, i.e., just 80 Muslim officers out of 4,872 bureaucrats (Zakaria, 1995:171).

3. The percentage of Muslims in the judiciary is also low. In September 1985, it was found that Muslim judges comprised only 5.8 percent of judges of the High Courts. There were only 25 Muslim judges out of 428 in the various High Courts of India (Zakaria, 1995:169). No all India statistics has been collected since the mid 80s. During the same period, Muslims formed a minuscule number of the directors who sat on the boards of various public sector undertakings (six Muslims out of 481 directors belonging to 73 public sector undertakings). Not one of them was the Chairman or Managing Director of a government body (ibid., 167).

4. In 1994, the Bihar and Utter Pradesh governments hired 2700 policemen. Of them, only 12 were Muslims. In Bihar, out of 1640 Sub-Inspectors recruited, there were only 35 Muslims; in Utter Pradesh, only 116 out of the 3000 Sub-Inspectors hired were Muslims (ibid.).

5. Muslims have not benefitted much from poverty alleviation schemes of the government. For instance, until 1985, only 2.86 percent of Muslims got subsidized housing provided by the government to low and middle income groups. In the distribution of licences, permits and quotas also, the Muslims have not fared well. Just 6.9 percent of them got licences to run fair price shops (Hasan, 1988:2470).

6. Of the several monopoly business houses in India, not one of them belongs to Muslims (Zakaria, 1995:170). In fact, they do not figure even among the owners of the top 50 businesses or industries (Hasan, 1988:2470).

7. According to a 1995 report titled *'Status of Muslims in India - Some Facts,'* commissioned by the Madhya Pradesh government, only 28 percent of Hindus were landless in the province as opposed to 34.7 percent of Muslims (*The Hindu*, Sept. 20, 1995).

8. A province wide survey undertaken by the Karnataka State Minorities Commission in 1994 showed that Muslims, like other minorities, have low literacy and high school drop out rates. In Karnataka, 52 percent of Muslim men are literate while only 32.9 percent Muslim women can read and write. 65 percent of the minority boys in the 6-16 age group do not attend school; the percentage is higher among girls at 66.3 percent. Just 1.6 percent of the minorities hold government jobs and they comprise 0.8 percent in the military (Menon, 1995:86).

9. A high powered group set up in 1991 by the federal government to review the implementation of the recommendations of various ministries of the federal and provincial

governments regarding the education of minorities found that in Utter Pradesh, Urdu and minority institutions were so severely neglected that two generations of Muslims grew up without any knowledge of their mother tongue, Urdu. Furthermore, the number of illiterates and school drop outs increased in the period between 1986-1991. The group also concluded that though the provincial government in Utter Pradesh gave Urdu the official language status, its did not take any concrete steps to implement its decision (*Indian Express*, 26 June, 1995).

10. Since independence, there has been a steady decline in the political representation of Muslims in the various provincial legislatures and in the parliament. The Muslims gave up their insistence on separate electorates because the Congress assured them that their interests would be accommodated in the representative bodies. However, with every election, their number is lessening. In the Rajya Sabha, the upper house of the Parliament, from 1952-92 there were 1500 members of whom only 154 were Muslims. Likewise, in the Lok Sabha, the number of Muslims has been steadily declining. In 1980 there were 46 Muslims; their number reduced to 41 in 1984. In the general election of 1989 only 33 Muslims were elected; in 1991, their number fell to an all time low of 28 (*Business Standard*, Oct. 15, 1995). Percentage wise, in 1982, Muslims comprised 8.45 percent of the Lok Sabha; in 1991 their percentage came down to 4.77 (Zakaria, 1995:135).

Though these statistics indubitably prove that far from being 'pampered' the Muslims are a severely disadvantaged community whose conditions are worse than that of the dalits (literally, the oppressed, this is how the former untouchables wish to be known, and, are referred to, in the discourse of Indian politics), the Hindu right refuses to acknowledge that they face systemic discrimination at the hands of the government. It points out that indigence and backwardness are not unique to Muslims as millions of Hindus also suffer under similar circumstances and also that in the case of Muslims, their problems are compounded by their 'obscurantist' religion and culture. The thrust of this argument is to shift the onus on the Muslims for their privations. Assuming that the Hindu contention is correct, what remains unexplained is why, even when Muslims work hard and attain a measure of prosperity, their businesses are destroyed in communal riots? Analyses of communal riots have proven that most of them, among other things, are disguised forms of economic competition. In most Hindu-Muslim riots, Muslims bear the brunt of loss of lives and property (Hussain, 1989:282). Further, Hindus deliberately target the flourishing businesses of Muslims and set them on fire. In the 1980 Moradabad riots in Utter Pradesh, Hindus systematically destroyed Muslim owned brass industries (Engineer, 1989). The destruction was so crippling that brass exports dropped from Rs. 720 million in 1980 to Rs. 300 million in 1985 (quoted in Hasan, 1996:220).

Likewise, in the 1989 riots in Kota, Hindus killed Muslims and vandalized their properties out of sheer envy. The latter were poor in the past but had become rich after working in the Gulf region for some years (Gopal, 1991:18). In the 1990 riots in Madras, Marwari (a Hindu trading caste) businessmen instigated and paid ruffians to set Muslim establishments on fire (ibid.). In the same year, a similar story unfolded in the Bhagalpur riots in Bihar. Once again, Hindus decimated all the textile production facilities belonging to Muslims and did not spare a single Muslim weaver (ibid.). More recently, the December 1997 communal clashes at Coimbatore in Tamil Nadu inflicted heavy damages on Muslim businesses, a fact confirmed by an independent fact-finding committee formed by the Peoples' Union of Civil Liberties (*Frontline*, vol. 15, no. 5, March 7-20, 1998). The proven instances of Hindu violence against Muslims are too many to be recounted here. In addition to neglect and discrimination on the part of the state, Hindu hostility and violence have caused untold miseries to Muslims. To still argue that Muslims are a pampered community is not only untenable but a distortion of reality as well.

MUSLIM POPULATION AND INFILTRATION

The spectre of Muslims outnumbering Hindus through purposeful procreation looms large in the Hindu psyche. Though the fear of the nearly 12 percent Muslims overrunning 82 percent Hindus might seem too preposterous to merit academic attention, it needs to be analyzed if only because it is so pervasive that even well educated Hindus are not immune from it. Secondly, although the idea is baseless, its consequences are real and horrific. The overpowering sense, particularly among semi-literate Hindus, that Muslims are crowding Hindus out of India, absolves any guilt associated with killing them without rhyme or reason. When one reckons with the fact that half of India's 953 million people are totally illiterate, then the need to douse rumours about the 'nefarious' designs of the Muslims acquires great urgency.

In fact, as happenings in the past have shown, far from being a hypothetical scenario, the phobia of Muslim overpopulation, in conjunction with a host of other factors, has resulted in their massacre at the slightest provocation. When such attacks take place on innocent Muslims who had nothing to do with a communal riot, then there is genuine cause for alarm. A case in point is the 1987 massacre in Meerut of 30 Muslims, the sudden 'disappearance' of 36 others and the death of five more in police custody due to torture (Hussain, 1989:286-87). In May 1987, there were communal riots in Meerut district in Utter Pradesh. The Provincial Armed Constabulary (PAC), a law enforcement agency of the provincial government, killed 30 Muslims at point blank range in Maliana and dumped their bodies in the nearby Yamuna river. It claimed that 36 others were 'missing' or had 'disappeared,' a euphemism in police parlance for custodial killings. Amnesty International investigated the killings and concluded that the PAC was responsible and that it had acted in a biased manner (ibid.).

The PAC killings in Meerut point to the dangers inherent in ignoring false propaganda on the ground that it is too absurd to have any credibility. Particularly in the case of communal riots, regardless of the complex factors that engender them, what colours the perception of the law enforcing agencies and that of the public at large is the communal propaganda of the Hindu right. The BJP and its allies have repeated *ad nauseam* that Muslims do not practice family planning on purpose, that they wish to increase their numbers to such an extent as to be able to tilt electoral results in any direction they wish and that their ultimate goal is to outgrow their minority status and subdue Hindus. Wild theories that conspiracies for augmenting their population by geometric progression are hatched in Islamic nations in the Middle East and that they covertly provide funding for carrying them out have been in circulation through the vernacular press, pamphlets, door-to-door propaganda and the like (Pandey, 1991:566-67). Hindu revivalist bodies like the RSS, the VHP and the Hindu Munnani have spared no efforts to popularize the fear of the ticking Islamic population bomb in India.

In spite of being aware of the divisive propaganda of the Hindu right, the state, at all levels, has refused to intervene. It has neither cared to counter the disinformation through a concerted, factual campaign, nor has it tried to stop or punish those disseminating communally inflammatory views. In the absence of any input to the contrary, it is only natural that the general populace should believe what they are told by the Hindu right. Since even the constables of the PAC are not given any sensitivity training in dealing with communal issues, they tend to adopt a parochial, anti-minority attitude.

The crucial question, therefore, is whether any basis exists for the Hindu's fear that Muslims are trying to augment their population to the point of overtaking the Hindus. On a superficial level, there seems to be some cause for worry. The 1991 census data reveals that during the 1981-91 period, the Muslim population grew at a higher rate than that of the Hindus (Bose, 1995). In 1981, Muslims comprised 10.88 percent of the total population; in 1991 their percentage rose to 11.67. In the case of the Hindus, their population declined from 83.09 percent to 82.41 percent. In other words, while the growth rate of the Muslim population was 32.76 percent, the corresponding figure for the Hindus was 22.78 percent. So, literally, there is no question that the Muslim population is indeed increasing at a higher rate than that of the Hindus. The BJP and its allies argue that three principal factors are responsible for the rise in the Muslim population: volitional higher fertility aided by polygamy, illegal migration from Bangladesh, Pakistan and Afghanistan; and, forcible conversion of lower caste Hindus to Islam.

Before discussing the issue of higher 'Muslim fertility,' as Basu rightly points out, we must recognize that the rise in the proportion of the Muslim population per year is just 0.08 percent (1996:132). Given the low level of the Muslim population, this small increase can in no way threaten the numerical majority of the Hindus. At the present rate, Muslims will require centuries to overtake the Hindu population. The other pertinent point is that aside from a nominal sense of the level of fertility of a community, the talk of 'Muslim fertility' or 'Hindu fertility' implies that the fact of being 'Hindu' or 'Muslim' has decisive influence on fertility patterns of those communities. Enough conclusive evidence does not exist to argue that religious background is the most crucial variable that determines the child bearing pattern of a community. It is indeed true that religious beliefs and culture shape one's values regarding child bearing. But, if the BJP and its allies are to be believed, then only Muslims base their decision to have offsprings solely on their concern for the future of Islam and of their community in India. Needless to say, such sweeping generalizations have no factual basis.

It is common knowledge that reproductive behaviour is the result of the interplay of a variety of socio-economic and cultural factors. Studies such as the Family Health Survey conducted in 1991-92 reveal that 'fertility differentials among the Muslims are as marked as among the Hindus' (Basu, 1996:142). Like the Hindu community, the Muslims also have varying socio-economic backgrounds that influence their reproductive patterns. Hence, Muslims in a well-developed province like Kerala are likely to have a progressive outlook on family planning than their counterparts and even Hindus in a backward province like Utter Pradesh (ibid., 142-147). All of which suggests that the crucial determinant is the socio-economic background of the individual.

From this premise, it is evident that higher fertility among Muslims reflects no preplanned strategy but is the result of their poor living conditions, low female literacy, and lack of access to contraception. Similarly, Muslim conservatism regarding family planning has nothing to do with Islam; it only underscores the importance of schooling for the community. Nothing in Islam objects to or frowns upon limiting the size of the family. If 'Muslim fertility' were due to Islamic injunctions, then how can one explain the declining birth rates in Islamic nations like Bangladesh and Indonesia (*The Economist*, Aug. 19, 1995; Basu, 1996:139-40)?

One could argue that while not expressly prohibiting family planning, Islam nevertheless impedes its popularity by sanctioning polygamy. In fact, one of the pet peeves of the BJP is that Muslims marry several wives as per the *Shariat* and beget more children. Whoever believes the BJP's propaganda betrays a lack of awareness of lived Islam. Though Islam allows every Muslim to have four wives at a time and nine wives in a lifetime, it is hardly possible for the average Muslim to make full use of his religious privilege, given his straitened circumstances. Besides, it is a little known fact that polygamy is more popular among Hindus than among Muslims. According to the 1971 census data on polygamous marriages, the last major data set on this subject, 5.06 percent Hindu marriages were polygamous; the percentage for Muslims was 4.31 (quoted in Basu, 1996:138). Hence there is little merit in the argument that the Islamic culture of Muslims is responsible for their increased fertility.

In the recent years, the BJP and its allies have derived considerable political mileage by harping on the illegal migration of Muslims from Bangladesh. They claim that Muslims have conspired to augment their numbers by 'infiltrating' into India.[74] Their contention is that successive governments have acquiesced in illegal migration and rehabilitated the migrants in the hope of creating vote banks. The BJP cites the government's lenient attitude toward Bangladeshi migrants as another instance of 'appeasement' of the Muslims and accuses it of shielding them in the name of secularism. Initially, the problem was confined to the northeastern provinces and West Bengal. Lately, the migrants have moved to cities like Delhi and Bombay where they work mainly as rag pickers, menial servants and unskilled workers, all for a pittance. Wherever they go, the migrants are treated with hostility and are exploited. That they choose to live under such humiliating circumstances rather than go back to their country should give us some idea of the conditions they have fled from. While there are no accurate, official figures, according to the Hindu right, the extent of the illegitimate migrations is reflected in the greater numbers of Muslims in the 1991 census statistics.

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[74] Arun Shourie, a journalist and currently a leading ideologue of the Hindu right, has written about an Islamic conspiracy to infiltrate India in order to create a 'Greater Muslim Bengal' comprising the present regions of Bangladesh and West Bengal. He also complains that successive 'secular' governments have not done enough to halt the infiltration of Bangladeshi migrants. For details, see Shourie, 1993, chapters 28 through 31 and Appendix I and II.

In 1994, the BJP and Shiv Sena launched agitations to deport illegal Bangladeshi migrants to their country. On the pretext of removing the names of bogus voters from voters lists, the provincial Shiv Sena-BJP government launched a drive in Bombay to detect and deport Bangladeshis living unauthorizedly in the city. As part of this exercise, the Bombay police sent letters to thousands of Muslims, almost all of them bona fide Indians, directing them to provide documentary proof of their citizenship or face deportation (Bavadam, 1994:12-13). The police harassed thousands of Muslims and threatened to expel them from the country on the suspicion that they had come from Bangladesh. The government backed off only after Muslims and civil rights groups protested strongly.

The question of illegal migrations has existed since independence, but it acquired salience only in the early '80s. India has been the natural destination of millions of impecunious refugees and illegal migrants from neighbouring countries like Nepal, Bangladesh, Burma, Pakistan, and Bhutan. Like migrants in any other part of the world, those coming into India seek better opportunities and decent livelihood. In 1947, following the partition, Hindus living on the other side of the border in Punjab and Bengal moved to India. The second large scale migration was in the early '70s. Hindu minorities in the erstwhile East Pakistan (Bangladesh) migrated to India to escape from persecution at the hands of the Islamic majority. Thousands of Muslim refugees also came to India from East Pakistan as they could not eke out a living in their troubled homeland. Aside from these two major streams of migration, there has been a steady flow of illegal Hindu migrants from Nepal across the Indo-Nepali border in Bihar and West Bengal. It is interesting that the BJP and its allies have never complained about the presence of illegal Hindu aliens from Nepal and Bangladesh .

Indeed, the presence of Bangladeshi migrants has created serious socio-economic imbalances, particularly in the provinces of the north-east. It is also true that successive Congress governments have 'regularised' their status in a bid to earn their electoral support. In Assam, the native Assamese population led by its students conducted a massive agitation for six years (1979-85) demanding the deportation and disenfranchisement of aliens from Bangladesh.[75] The apprehensions of the native Assamese that their culture and way of life would be swamped by the overwhelming presence of the migrants was well-founded. Having noted these facts, it must be emphasized that migration, though disturbing, is a socio-economic phenomenon triggered by the sub-human conditions across the border, and is not motivated by any conscious desire to dethrone Hinduism from its preeminent position in India. It might be argued that those who come as hapless migrants today are likely to make strident religious demands later. Their mischief potential, particularly in religious and cultural matters, once they are reasonably rehabilitated, should not be ignored. Again, such worries are not entirely baseless. Yet, the proper response to them cannot take the form of communal paranoia.

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[75] For a succinct analysis of the Assam agitation, see Wilson, 1992.

While it is true that illegitimate Bangladeshi Muslims impose hardships on the native populations, one must distinguish them from legitimate Indian Muslims and not stigmatize the entire Muslim community for the actions of a section of them. The Hindu right has imparted religious and communal overtones to what is essentially a socio-economic issue. As for its complaint that 'infiltration' is aimed at boosting the Muslim population, though it appears to be so at the present time, the current trend is not likely to continue as the government has come down heavily on illegal migration. Though belated, following the 1985 Assam agreement, both the federal government and its provincial counterpart in Assam have initiated several measures to check the unauthorised cross over from Bangladesh. They include fencing of the long and porous Indo-Bangladesh border, improved patrolling and surveillance at the border check posts and detection and deportation of migrants.

CONVERSION OF THE LOWER CASTES TO ISLAM

The third cause attributed to the burgeoning Muslim population pertains to forcible conversions. The Hindu right has always stoked fears of the ogre of Orientalist Islam as the religion of the people of the sword. Additionally, it has popularized the notion that rich Islamic nations provide petrodollars to Indian Muslims to proselytize the lower castes in order to spread Islam in the subcontinent. The highly publicized Meenakshipuram conversions of 1981 has lent immense credibility to the BJP's thesis about conversions. In February 1981, 180 low caste Pallans of Meenakshipuram in Tamil Nadu converted to Islam mainly to escape quotidian oppression at the hands of the Thevar landlords. The BJP and its allies distorted the motives for the conversions by alleging that the lower castes were lured by 'Gulf money'-- a reference to the alleged funding provided by the Islamic nations of the Persian Gulf region for encouraging conversions. The largely upper caste dominated English media bought its theory without conducting any investigation of its own and whipped a mass hysteria about a global Islamic conspiracy to convert all Hindus to Islam. Subsequent detailed investigations by social scientists revealed that caste oppression and the desire to be accepted on an equal footing were the primary reasons for the conversions and that it had nothing to do with monetary considerations of any sort (Kalam, 1989:345). In fact, no money changed hands, contrary to the BJP's assertions.

Whatever the facts of the case, since the Meenakshipuram incident, the spectre of forced conversions has become deep rooted in the Hindu psyche. The recent affluence of a wafer thin minority within the Muslim community who returned with their earnings from the Gulf region has only confirmed its worst fears. The reality, however, is that while conversions do take place occasionally, they are certainly not induced by petro dollars; nor is there any wilful attempt to increase the Muslim population through proselytization.

Thus, the BJP's reasoning about the cause of increasing Muslim population is entirely misleading. It has consistently refused to acknowledge the centrality of socio-economic backwardness, low levels of literacy, lack of access to contraception and the like in dealing with this issue. Not surprisingly, therefore, there is nothing in its election manifesto or its political agenda that addresses these issues.

MUSLIMS AND THE UNIFORM CIVIL CODE (UCC)

The contentious question of whether or not there should be a Uniform Civil Code (UCC) for the entire country forms the kernel of the differences between Hindus and Muslims. In fact, it has become the touchstone of what true secularism means in India. Hindu nationalists argue that Indian secularism is bogus because it enables the minorities to follow their own canonical personal laws in civil matters. How can secularism tolerate the intrusion of religion in secular matters like divorce, adoption, property rights and so on, they ask? The minorities, particularly the Muslims, maintain that Indian secularism will be meaningless if it abolishes the personal laws and substitutes them with a UCC. They point out that since canonical laws are derived from the Shariat which is a part of their religion, what sense will the right to freedom of religion make if, in the name of secularism, they are reformed out of existence? The Hindus responded by saying that if their canonical laws could be reformed, what is so sacrosanct about the Shariat? They claim that the reformed Hindu laws are progressive, just and, most important, sensitive to the aspirations of Hindu women.

Hindu nationalists are convinced that repealing Islamic canonical laws will redound to the benefit of the minorities, particularly Muslim women. According to the RSS and the VHP, since Islam discriminates heavily against women, they can hardly hope to prosper under Shariat-based laws. They maintain that the freedom of Muslim women is inextricably linked with the substitution of Shariat by a common civil code. To buttress their point, they emphasize that unlike Hindu marriage which is a sacrament, Muslim marriage is a contract. Muslim men can divorce their wives by merely uttering the word *'talaq'* thrice. As per the Shariat, even their liability from a divorce is limited. Hence, thousands of Muslim women languish on the streets or in low paid jobs because they hardly receive any maintenance under the Shariat. Furthermore, Islam and the Shariat have stifled the emergence of Muslim women. They even force the latter to cover themselves with a veil, and most women are confined to their homes and kitchens. In brief, the Islamic code perpetuates backwardness and leaves Muslim women hamstrung.

All along, the BJP and its allies have conducted the debate on the UCC along rigid, immutable lines. Complex issues are not only simplified but also cast in hermetically sealed categories. Thus, the Shariat, being a part of Islam, is axiomatically retrogressive, obsolete, and repulsive to modern sensibilities of freedom, individuality, and human dignity. In contrast, the reformed Hindu civil code is enlightened and more in tune with the ethos of the present times.

Clearly, the BJP's argument is predicated on its belief that Hinduism and Hindu way of life represent the acme of human evolution and all other religions should draw inspiration from them. An index of the popularity of the BJP thesis is that it is articulated with varying degrees of sophistication across a wide cross section of the Indian society. At one extreme are the Shiv Sena and the VHP. They excoriate the Shariat describing it as a licence to promiscuity, as proof of the irrepressible libido of 'lecherous' Muslims, and as a code that fosters a separatist, ghetto mentality among them. A more refined version of the same critique assumes the form of patronizing concern for Muslim women. It urges Muslims to embrace 'civilized,' universally accepted civil laws in order to become acceptable to the Hindu mainstream.

Even the judiciary is not free from the biases of the Hindu nationalists. The Supreme Court has also lent its support to the BJP discourse by endorsing its dichotomy between the forward looking Hindu civil code and the antediluvian Shariat. In several cases dealing with the Shariat, the Court has strongly expressed itself against Islamic laws and underscored the importance of enacting a UCC. In the celebrated *Mohammed Ahmad Khan vs. Shah Bano Begum* case (*Supreme Court Cases*, vol. 2, 1995) popularly known as the Shah Bano case, Chief Justice Chandrachud had to decide whether Shah Bano, a penurious divorcee, could seek maintenance from her ex-husband under the Shariat which does not provide for maintenance. He gave her relief within the framework of the Shariat by interpreting two *ayats* of the Quran in a progressive manner. Instead of restricting himself to the merits of the case, however, Justice Chandrachud felt compelled to dwell at length on the 'degradation of women in Islam' and urged the government to legislate a UCC as per Section 44 of the Directive Principles of the Constitution (Dhavan, 1987:246-47; Noorani, 1990:285). To complicate matters, the judge based his views on Islam on a book written by Edward Lane in 1843 at a time when it was fashionable to deride oriental religions (Noorani, ibid.). Also, his comment about the UCC, based on the view that the Shariat was 'unjust and invidious,' was not properly delineated and smacked of condescension. The upshot of the verdict was that it enraged Muslims because they felt that the judge had on purpose denigrated Islam. If anything, the judgement had the effect of hardening Muslim resistance to a common civil code.

Similarly, in *Sarla Mudgal vs Union of India* (*Supreme Court Cases*, vol. 3, 1995:635-653), a division bench of the Supreme Court comprising Justices Kuldip Singh and R. M. Sahai underscored the urgency of the UCC and ruled that it was the only solution to illegal conversions to Islam and bigamy committed by Hindu men. The case was filed by Sarla Mudgal, the President of *Kalyani*, a social organization championing the rights of the victims of domestic abuse. It comprised four petitions of victims of spousal abuse, desertion, and bigamy. In each instance, the husbands of the victims, originally Hindus, had taken second wives and then converted to Islam to escape the legal consequences of bigamy under the Hindu Marriage Act (ibid.). The court had to decide the legality of their divorce, the conversion of their spouses to Islam, and the latter's plea that since they were now Muslims, the Shariat applied to them and not the Hindu Marriage Act.

The judges declared the second marriages unlawful and held that the conversion to

Islam was fraudulent. They also noted that since the Hindu law enforced monogamy, the Shariat which allowed polygamy, was 'an open inducement' to unscrupulous Hindus to convert to Islam and seek shelter from the adverse consequences of bigamy (punishable under the Hindu law) by claiming to be Muslims. Hence the judges castigated the government for being 'wholly remiss' in promulgating a UCC. In his judgement, Justice Kuldip Singh made the following observation:

> The personal laws of the Hindus, such as relating to marriage, succession and the like have all a sacramental origin in the same manner as in the case of the Muslims or the Christians. The Hindus along with Sikhs, Buddhists and Jains have forsaken their sentiments in the cause of national unity and integration, some other communities would not, though the Constitution enjoins the establishment of a 'common civil code' for the whole of India *(sic)* (Supreme Court Cases, vol. 3, 1995:650).

Regarding the opposition of the Muslims to the UCC, he stated as follows:

> Those who preferred to remain in India after the partition, fully knew that the Indian leaders did not believe in two-nation or three-nation theory and that in the Indian Republic there was to be only one nation--the Indian nation-- and no community could claim to remain separate on the basis of religion . . . no community can oppose the introduction of a uniform civil code for all the citizens in the territory of India (ibid.).

In the case law based, Anglo-Saxon tradition of the Indian judiciary, every judgement that emphasizes the importance of the UCC becomes a basis in subsequent judgements for renewing the demand for its introduction. *Sarla Mudgal* relied upon and quoted from the Shah Bano verdict to reinforce its case for the promulgation of a UCC. In fact, it went a step further and reified what have now become 'commonsensical' notions in the UCC debate. For instance, the judgement presumed that Hindu marriages were monogamous and that the breach of monogamy was only through conversions to Islam (Agnes, 1995:3238). The judges also seemed to be convinced that the only obstacle to the enactment of a UCC was the obduracy of the Muslims and their 'separatist' mentality. In their view, UCC will not only put an end to the woes of Hindu and Muslim women but also promote national unity and integrity.

Since the UCC is being promoted on grounds such as national integration, women's welfare and the like, it is important to sift fact from fiction. First, are the reformed Hindu laws progressive and gender sensitive? The simple answer is no. Before I critique the retrogressive nature of individual statutes, it would be instructive to briefly acquaint ourselves with the evolution of the so-called 'reformed' Hindu civil code and how and why it created dissatisfaction among the Hindu traditionalists.

EVOLUTION OF THE HINDU CIVIL CODE

Hindu personal laws evolved over the centuries and are drawn from different sources, chiefly the *Srutis* (the corpus of scriptural works comprising the Vedas and the Upanishads) and the *Smritis* (i.e. canonical works and law codes such as the *Dharmashastras*). In addition, they have incorporated the customs prevalent in different parts of the country and the interpretations of legal commentators. Broadly speaking, two major schools of Hindu law exist in India : the *Dayabhaga* school prevalent in Bengal and Assam and the *Mitakshara* school with four sub divisions, in the rest of the country. On issues concerning property rights, succession and so on, the two schools hold different positions.

During the early phase of colonial rule, the British East India Company pursued a policy of non-interference in matters of personal laws, apparently out of respect for the religious sensibilities of the 'natives.' It directed the civil courts to adhere to the laws of the Hindus and Muslims in matters like inheritance, marriage, caste, and other religious usages. The policy of non-interference in personal laws, however, was a calculated move meant to legitimize colonial rule in the political sphere. In any case, soon the British found that they had to deal with property disputes, conflicts regarding inheritance and such other civil matters that impinged on laws based on religion, local customs, and traditions (Cohn, 1996:66). Besides, legal complications arose in the course of administration that hampered the collection of revenue. Hence, the British selectively intervened to codify the canonical laws of the 'natives' in keeping with their orientalist biases.[76] Their main purpose in undertaking this venture was to consolidate colonial interests and not to frame egalitarian, uniform laws for Indians.

The Hindu civil code was iniquitous and unfair to women. Also, it was not too long before Hindus also started complaining about the "legal confusion" arising from contradictory rulings on personal laws in different parts of the country. In 1941, the British set up a committee under the Chairmanship of Sir B. N. Rau, a former judge of the Calcutta High Court, to suggest steps for removing the anomalies in the Hindu law and making it uniform, simple and egalitarian (Som, 1994:169-170). The Rau Committee recommended a comprehensive legislation to get rid of the regional, gender and legal discrepancies. It prepared a Draft Code, later known as the Hindu Code Bill, regarding succession, maintenance, marriage, divorce, guardianship, and adoption.

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[76] Cohn has explained how the Hindu code was compiled. The British employed eleven Hindu pundits in Bengal to compile from the Hindu sources a legal code that could be used in the courts to dispense justice. In keeping with their training and orientation, the pundits retrieved materials from Brahmanical textual sources. The corpus of laws that they codified were translated first into Persian (because no Sanskrit scholar knew English) and then, from Persian, N. B. Halhed translated them into English as *A Code of Gentoo Laws; or, Ordinations of the Pundits* (1996:66). Needless to say, in this tortuous process of translation, much of the essence of the 'Hindu code' was distorted. Subsequent digests of Hindu law written by Indologists like Sir William Jones and Colebrooke reified the native population into Hindu and Muslim communities with immutable characteristics. They also bore the imprint of a European conception of law. When the British courts interpreted the Hindu civil code, there were further distortions arising from the incongruence between the traditions of Anglo-Saxon jurisprudence and those of the natives. Before long, the binding judicial precedents of the courts created a whole body of Hindu law where none existed before. Cohn (1996) provides a brilliant account of the British intervention in Indian personal laws and their motives for doing so in his essay 'Law and the Colonial State.' For details, see chapter 3.

Soon after independence, the Congress placed the Hindu Code Bill in the Parliament for enactment as law. The discussions were acrimonious and marked by bitter wrangling, particularly on issues that were meant to empower women. Progressive aspects of the Bill outraged orthodox elements within the Congress and the members of the now defunct Hindu Mahasabha[77] who criticized them as being "anti Hindu" and "anti Indian." They were also annoyed that the legislation targeted the Hindus while leaving the Muslim Personal Law undisturbed. Specifically, the Hindu opposition centred around alimony, monogamy, divorce, abolition of coparcenary, and inheritance to daughters (Agnes, 1996a:64; Som,1994:174-180). Cutting across party lines, Hindu hardliners expressed grave apprehensions that imposing monogamy on Hindus would amount to "racial suicide" as the Muslim population would increase disproportionately (Som, 1994:176). Similarly, they objected to the provision of divorce, alimony and equal property rights for women on the ground that they would subvert the Hindu family.

So great was the furore over the Bill that it had to be considerably attenuated to mollify the conservatives and broken up into four parts. The original Hindu Code Bill was passed as four pieces of legislation: the Hindu Marriage Act in May 1955; Hindu Succession Act in May 1956; the Hindu Adoption and Maintenance Act in December 1956; and, the Dowry Prohibition Act in July 1961. Thus, what started in 1941 took two decades to become law. Unfortunately, the final product was a travesty of the original reformatory intent of the legislation. All four Acts have grave flaws and, in fact, have hurt the cause of women's emancipation.

LEGAL LOOPHOLES IN THE REFORMED HINDU LAWS

Take, for instance, the question of monogamy. The Hindu Marriage Act of 1955 does specify that Hindus should be monogamous. Bigamy is punishable under Section 494 of the Indian Penal Code with imprisonment for seven years and/or a fine. Superficially, this statute might seem superior to the Shariat which, indeed, allows Muslims to marry four wives at a time. But, in actual practice, the situation is the very opposite of what the law stipulates.

We have noted that bigamy is not uncommon among Hindus, particularly among the affluent and in rural areas. And yet, prosecuting a Hindu male for bigamy is a tedious, cumbersome process, and has rarely resulted in conviction. The greatest obstacle is that the onus of proving that the husband is in a bigamous relationship is on the aggrieved first wife. It is almost impossible for a woman to prove that her husband has married for the second time because the statute recognizes only *saptapadi* (the ritual circumambulation, comprising seven rounds, of the bridegroom and the bride around a sacrificial fire) as the clinching ritual for solemnising a marriage (Agnes, 1996:145). As the law stands now, in the absence of proof of *saptapadi*, the courts will refuse to recognize that the second marriage is valid, even if the man and his second wife have been living together as a couple and the whole community testifies to this effect. Thus, in most cases, after several years of ruinous litigation, the charges against the bigamous husband are dismissed on evidentiary grounds. The net result has been that wives of such errant Hindu men share the same plight as Muslim women who are summarily abandoned by their husbands after uttering "talaq" thrice.

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[77] The Hindu Mahasabha (Hindu Congress) was an apex body of the various Hindu Sabhas (Hindu Associations) that were active before the First World War. During the 1920s, in the context of escalating communal clashes, the Hindu Sabhas became politically active and united under the umbrella of the Hindu Mahasabha. V. D. Savarkar, the foremost ideologue of Hindu Nationalism took over as its President in 1937. Known for its revivalist and conservative views, the Mahasabha was active for some years after independence. It tried to present itself as the voice of the Hindu majority and had the covert sympathies of traditional Congressmen. The Mahasabha came under a cloud of opprobrium after it was discovered that the assassin of Gandhi, Nathuram Godse, was a Mahasabha activist and was influenced by its ideology.

If the authors of Hindu Marriage Act were serious about putting an end to bigamy, then they ought to have framed the statute in a broad based manner without laying down that only *saptapadi* is a valid ritual for considering a marriage as solemnised. Also, they could have made the registration of marriages compulsory instead of optional, as it is now. Because of such lacunae, though it appears progressive, the Hindu Marriage Act does not effectively uphold monogamy. What is more damaging is that it legitimizes Brahmanical rituals and traditions and imposes them as universal norms on all the communities within Hinduism (ibid, 144).

On the question of adoption, the Hindu Adoption and Maintenance Act of 1956 is patently sexist and patriarchal. Under this statute, in a Hindu family, the father is the natural guardian of his children. The mother can neither give her child in adoption nor adopt one herself (Agnes, 1996:146). Further, if a Hindu woman seeks divorce, then she stands to lose heavily in monetary terms. The existing law recognizes the rights of the husband to movable and immovable property. For example, the wife can enjoy economic benefits like living in a decent house only so long as she is married to her husband. If she seeks divorce, then she loses the right to her share in the property and cannot inherit it either (Agnes, 1992:2233). Thus, little recognition exists in law for the worth of the domestic chores done by the wife. Notwithstanding these tremendous disincentives, if a Hindu woman divorces, then all she can expect is a pittance as alimony, that too after a protracted court battle. Under the Hindu Adoption and Maintenance Act, it is a divorced woman's responsibility to prove to the court that her husband has adequate income to pay her monthly maintenance. Needless to say, the husband will try to minimize his liability by seeking shelter under his debts, mortgages and so on. In most cases, these are fictitious liabilities aimed at circumventing alimony payments.

Even after the court awards the maintenance, the divorced wife is responsible for ensuring that the payments are made. If the husband defaults, then all she can do is initiate legal proceedings all over again. The huge cost of litigation, the spectre of repeated adjournments and other dilatory tactics can daunt the most determined woman. Thus, the laws and the justice system are heavily biased against women. As things stand, a precondition for the wife to enjoy a measure of economic security is that she must remain married, no matter how abusive the relationship is. By making marriage more attractive than divorce, the law clearly aims to socially control Hindu women and their sexuality.

Hindu daughters have also received a raw deal under the "reformed" laws. The

Hindu Succession Act discriminates against daughters in the Hindu joint family. Following stiff opposition, the Act retained the traditional Mitakshara laws relating to coparcenary, joint property, and the partition of property (Som, 1994:190; Mahmood, 1995:46). This retention was favourable to the sons as, under the traditional law, they are entitled to a share in the father's property and are also coparceners in the properties of the joint family. Whereas the daughter is entitled only to an equal share in the parental property (Som, ibid). The Act does not cover agricultural lands while laying down norms for succession and thereby limits the scope of its effectiveness, particularly in rural India. Further, it provides for testamentary succession, that is, the right to make wills for succession. This provision, borrowed from Anglo-Saxon law, jeopardizes a daughter's right to her parental property because, if she does not humour her father, the latter can disinherit her through a testament (Som, 1994:191).

Another instrument for the social control of women is the Dowry Prohibition Act of 1961. Ostensibly intended to curb the harassment of women by their spouses and in-laws, the Act makes demanding and offering dowry criminal offences. But the legislation is so vague and toothless that it has hardly resulted in any convictions.[78] Young women are routinely doused with kerosene and set on fire by their own husbands and in-laws for not meeting their incessant demands for money and consumer goods. However, the culprits almost always escape conviction because of legal loopholes.

Since the 1980s, the number of dowry deaths have risen dramatically. In 1989, there were 4006 reported incidents of dowry deaths (quoted in Mazumdar, 1992:18-19). From 1988 through 1990, the police registered 11,259 dowry related deaths (ibid.). Aside from these reported instances, thousands of others go unreported for a variety of reasons ranging from the victim's fear of retribution to the reluctance of the police to register cases. All of this suggests that the Dowry Prohibition Act of 1961 has not succeeded in its avowed objective.

After Herculean lobbying from feminists, civil rights groups and social workers, the federal government amended the Act in 1986 empowering provincial governments to appoint Dowry Prohibition Officers. The amended Act also provided for advisory boards consisting of a maximum of five social workers out of which at least two were to be women, for giving expert opinion and guidance to the Dowry Prohibition Officers. The federal government claimed that the amended Act would drastically reduce the number of dowry deaths. Sadly, more than ten years later, the situation has worsened and shows no signs of abating. According to the "Progress of Nations" (1997) report of the UNICEF, over 5000 dowry deaths occur every year in India (*Indian Express*, July 23, 1997).

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[78] Since law and order come within the purview of the provincial list, there is no nation-wide data on the number of cases registered against dowry deaths. No statistics exist on the number of people successfully convicted in dowry related offences. Only lately, following persistent demands from women's activists, the federal Home Ministry has started keeping track of the registered cases in dowry related incidents. According to a recent newspaper report, in Karnataka between January 1995 and February 1999, the police registered 903 cases of dowry deaths. Of these, only four cases resulted in convictions. For details, see *Deccan Herald*, March 15, 1999 or <http://www.deccanherald.com/deccanherald/mar15/edits.htm>

Since dowry deaths have been replaced by more sensational socio-political issues such as the Ram temple movement and the emergence of Hindutva, they have been completely neglected. Last year, a social activist filed a public interest litigation in the Delhi High Court because in the past ten years, the provincial administration in Delhi had failed to appoint Dowry Prohibition Officers or take any other concrete measures to counter the atrocities against women (*Indian Express*, August 26, 1997). The case is still being heard in the Court.

On the strength of our discussion so far, I wish to stress two points. First, the supposed reforms of the Hindu Civil Code are cosmetic and have not altered the iniquitous power relations between Hindu men and women. Second, in view of the numerous lacunae in the Hindu civil laws, there is no merit in the Hindu nationalist argument that their laws are superior and that Muslims must also accept reformed laws like the Hindus for the benefit of their womenfolk and not resist interference.

Since arcane legal issues are involved in the UCC debate, not many people, particularly Hindus, are aware that the laws governing them are as flawed as those of the Muslims. Aside from conducting the debate in black and white terms, Hindu nationalists have reiterated falsehoods over and over again till they seep down to the level of commonsense. Hence the 'progressive-Hindu-laws- versus-backward-Muslim-laws' thesis has acquired such momentum that it has provided the basis for a successful political campaign by the Hindu right.

A little known aspect of the UCC debate is that the reformed Hindu laws are not uniformly applicable to all members of the Hindu community. For example, they are not applicable to territories of Goa, Daman and Diu where the 19th century Hindu Usages Decrees are still in vogue (Mahmood, 1995:47). Several provinces such as Utter Pradesh, Jammu and Kashmir, Andhra Pradesh and Kerala have their own amendments to the Hindu law enactments to suit local customs and traditions (ibid.). After Pondicherry was liberated from French rule, the federal government gave the residents of the province a choice between the Hindu laws and the French civil code and many still pursue the latter (ibid.). In south Indian provinces like Kerala, Tamil Nadu, Karnataka and Andhra Pradesh, customary laws derived from local traditions such as *marumakkattayam, aliyasantana* and such others are still in vogue and are legally enforced by the provincial governments. This apart, the tribal communities, though technically considered Hindus, are exempt from the Hindu law enactments. Therefore, little merit exists in the BJP's argument that since 80 percent of Indians (i.e. all Hindus) have accepted a UCC, the minorities should not oppose it. Equally invalid is Justice Kuldip Singh's point in *Sarla Mudgal* (quoted earlier) that "Hindus, along with Sikhs, Buddhists and Jains, have forsaken their sentiment in the cause of national unity and integration" (*Supreme Court Cases*, vol. 2, 1995:650).

The numerous exceptions to the application of the Hindu laws point to the existence of a robust and diverse tradition of different canonical laws in what are now known as Hindu communities. Some canonical laws are obviously archaic and need to be replaced. But is there any wisdom in demanding their total abolition? Can there ever be a national consensus on jettisoning personal laws derived from religion and having secular, civil laws instead? Won't such a move conflict with the right to freedom of religion and culture guaranteed to all communities? Even if one agrees that a UCC based on modern notions of egalitarianism and liberty, will a heavy handed, authoritarian approach ever work? Should the communities for whose benefit the UCC is intended not be prepared to appreciate the desirability of the new laws being offered to them? Given the abysmal illiteracy and socio-economic backwardness among the minorities, how legitimate is it to accuse them of resisting changes to their personal laws? The votaries of a UCC do not seem to appreciate the feasibility of their proposal.

The overarching point, of course, is that if there are wide ranging discrepancies in the application of Hindu laws, how then, can one expect Muslims to give up their own personal laws for a UCC? Like the Hindus, the Muslims also have a long and deep rooted history of personal laws. Within the broad categories of Sunni and Shia laws, there are four sub-divisions within the former : Hanafi, Shafai, Maliki and Hanbali. To expect a community, nurtured by such an intricate legal system to abandon it for something that it does not fully understand is to betray one's poor understanding of social change.

It says something about the intentions of the Hindu nationalists that they have zeroed in exclusively on the Muslims in the UCC debate and not cared about encouraging signs from other minority communities for change. The Christian Matrimonial Law, for example, has some aberrant features that militate against the interests of Christian women. Similarly, the Indian Divorce Act of 1869 continues to this day and has caused untold miseries to Christian women. Under this statute, they are entitled to only one fifth of their husband's earnings (Agnes, 1992:2235). Progressive opinion within the Anglo-Indian community has been demanding fairer laws for a long time. Several Law Commissions have recommended changes and verdicts of the High Courts and the Supreme Court have underlined the urgent need for reform (Sathe, 1995:2166). Successive governments have not cared to address the problem. The Hindu nationalists, who pose as the champions of equitable laws, have never lent their voice to the plight of Christian women.

The popular appeal for a UCC rests on the notion that it will promote national integration. While debating the Hindu Code Bill in the Constituent Assembly, conservative Hindus demanded UCC arguing that it will foster a sense of oneness among the diverse communities in the country. When they could not prevail upon the Congress to legislate a UCC for the entire nation, they managed to get it enshrined in the Directive Principles of State Policy. Article 44 of the Directive Principles states that "(T)he State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India" (Majumdar and Kataria, 1996:20). Though not justiciable, the Articles of the Directive Principles are meant to guide the policies and programmes of the government. We have seen that on the basis of Article 44, the Supreme Court has urged the government to legislate a UCC. The moot question, however, is, will a UCC indeed promote national integration? Also, is homogeneity a necessary precondition for nationhood? Or, can a nation thrive on its diversity?

A plural polity like India can survive as a nation and as a democracy only if it adopts a consensual approach and cautiously pursues reforms based on universal norms like social and gender justice. Elaborate ground work is necessary to ensure that the people at whom the reforms are directed realize that they are in their own interests. It would be counter productive to tear Article 44 of the Directive Principles out of context and harp on it to the exclusion of everything else.

Part IV of the Constitution dealing with Directive Principles of State Policy contains 19 Articles (Articles 36 through 51A) that deal with significant issues. The major guidelines include promoting socio-economic and political justice, the right to work and adequate livelihood, free legal aid, free and compulsory education, promotion of educational and economic interests of the weaker sections and minorities, and protecting the environment and wild life. In other words, the thrust of the Directive Principles is to ensure that the policies and agenda of the state help create a just, humane, social order. Article 44 can be realized only if other conditions listed in the Directive Principles are fulfilled. It is interesting that the BJP and its allies have agitated for implementing only two of the 19 Articles: Article 44 dealing with the UCC and Article 48 pertaining to banning cow slaughter. Other than making vague promises in its manifesto, the BJP has done little to further the objectives of other Articles like universal education, unemployment, and other peoples' issues, all of which makes the BJP's demand for a UCC seem suspicious.

THE HIDDEN AGENDA OF THE HINDU RIGHT

Why does the BJP want a UCC for India? To understand its motives, one has to critically examine the sub-text of the reformed Hindu laws. Apart from all their anomalies, one thing that stands out in the Hindu law enactments is their endeavour to define, control, and demarcate the Hindu family. Evidently, the upper caste elites controlling the state wish to accomplish two tasks. One goal involves seeking to consolidate the diverse Hindu communities under one umbrella so as to be able to firm up a solid Hindu identity. Concomitantly, this consolidation would polarize Indian society into Hindu and non-Hindu groups. The other goal is to regulate the institution of family by providing legal sanction to a particular family structure -- one that is patriarchal, celebrates the conjugal state, and and imposes sanctions on those who flout these norms (Chhachhi, 1991:160-161). The ultimate intention is to orient the family in such a way that it willingly identifies itself with the Hindu community. As the first step in this direction, the law makes the retention of Hindu identity more attractive than its renunciation. Consequently, according to the Constitution (Scheduled Castes) Order of 1950, if a member of the scheduled caste or tribe (officialese for dalits and tribals) converts to any other religion, then (s)he automatically loses the affirmative action privileges given to these disadvantaged groups (Mahmood, 1995:145). The unmistakable message, therefore, is that to enjoy the patronage of the state, one has be a Hindu.

A similar message is encoded in the Special Marriage Act of 1954. This Act was framed to govern inter-communal marriages. If a Hindu married a Muslim, then the couple would be bound by the provisions of the Special Marriage Act, and not by their personal laws. Interestingly, this Act does not recognize the marriage between cousins, a practice repugnant to most Hindus but quite common among Muslims. In 1976, the Parliament amended this Act, so that even if a Hindu marries under the Special Marriage Act, (s)he still would be governed by his/her personal laws, (i.e. the Hindu laws) and not by secular laws (such as the Indian Succession Act), as was stipulated in the original Act (Mahmood, 1995:149). Surprisingly, this privilege was not extended to Muslims. Thus, if a Muslim marries a Hindu woman, then he has no choice other than adhering to the secular laws. It is obvious that the 1976 amendment conferred a privilege on the Hindus that it denied to the Muslims. In fact, the amendment went a step further and laid down that even the descendants of Hindus married under the Special Marriage Act could avail their personal laws.

Evidently, these discriminatory laws mean to reaffirm the attractiveness of being a Hindu. They also serve as inducements to non-Hindus to renounce their religious identity. We have seen that a Hindu majoritarian orientation is built into every aspect of Indian politics starting from the nationalist movement to the present time. The task, however, of forging a non-existent Hindu identity and making it acceptable to the myriad communities is a formidable one. To accomplish this goal, the upper caste elites have adopted a multi-pronged approach. Privileging the law is a crucial part of this process because it deals most intimately with the question of providing official recognition to communal identities. The Hindu law enactments inaugurated the process of forging a homogenized, pan Indian Hindu community. Given the titanic nature of this venture, it is far from complete. The BJP and its allies have made the UCC debate central to their politics because, under the guise of enacting egalitarian laws, they wish to thrust a Hinduized civil code on the Muslim community. If they succeed, then such a move may considerably dilute the Islamic identity of the Muslims and hasten their assimilation into the Hindu fold. If the Muslims resist or refuse to renounce their religious identity, then they could be depicted as 'traitors,' (as is being done now) and the alleged threat of their 'perfidy' could be invoked to unite the Hindus under upper caste leadership. Either way, the unity of a pan Indian Hindu community is assured.

ARTICLE 370 AND THE SPECIAL STATUS OF KASHMIR

The BJP has made the distinct status of Jammu and Kashmir (Kashmir, henceforth)--the only Muslim majority province of India--one of the main issues in its tirade against secularism. It has launched a massive propaganda that Article 370 of the Constitution, which recognizes the special status of Kashmir within the Indian union, is an example of the Congress policy of 'appeasement' and betokens the weak kneed approach of the Indian government vis-a-vis the Muslims. The BJP position on Kashmir is somewhat identical to that of the Reform Party on the Quebec question. It wants the federal government to treat Kashmir on par with provinces in the rest of the country and demands that Article 370 be repealed. This demand for 'equality and equal treatment' is premised on the belief that it will promote national integration. The Hindu nationalists view any measure that barely acknowledges the special status of Kashmir as an affront to secularism and Indian nationhood.

Their opposition stems from the belief that such initiatives foster separatism. One of the oft-repeated complaints of the BJP is that because of the special status of Kashmir, non-Kashmiris cannot buy or own property or obtain employment in that province. To put an end to such 'discriminatory' policies, it advocates a tough, assimilationist approach to the Kashmir question.

As in the case of the UCC debate, Hindu nationalists have obfuscated issues to such an extent that Kashmir has become the bugbear of Indian secularism. Their shrill propaganda has acquired greater intensity in the wake of the insurgency in Kashmir since the late '80s. The inaction of the federal government in countering its campaign of hatred has further complicated matters. As things stand, lay citizens in the rest of the country have a host of misconceptions about Kashmir. They share the notion that unlike other principalities and provinces that joined the Indian union unconditionally at the time of independence, the Muslims of Kashmir made their accession contingent upon being granted a special status. Thus, Article 370 is a symbol of Hindu genuflection before unreasonable Muslim demands. The BJP has popularized the myth that Kashmiris (i.e. the Muslims) use Article 370 as a leverage for bargaining for a good deal from the federal government. That successive governments have yielded to such covert threats because they fear that Kashmir might secede and join Pakistan. Such allegations neatly tie into the BJP's general argument that Muslims are an ungrateful lot with protean loyalties.

The chasm that separates the BJP's charges on Kashmir from the ground realities in that province is indeed huge. Kashmir (approximately 7.7 million population, area 86,000 square miles) comprises three distinct territories: the predominantly Muslim Kashmir region (95 percent Muslims), the Hindu majority Jammu area (66.3 percent Hindus) and the Buddhist Ladakh region. Since independence, it has witnessed an Indo-Pak war (1948) and intermittent civil disturbances. Because of a host of reasons such as its mountainous topography, proximity to Pakistan, and the dispute over its accession to India, the federal government has not invested in the development of infrastructure and industries in the province. Hence Kashmir has remained socio-economically backward. Due to the secessionist movement, the government has not conducted any census operation or socio-economic survey in the province after 1981. the statistics, however, collected during the 1981 census reveal that its human development indices (literacy, infant mortality, per capita income etc.) are below the national average (Tremblay, 1996:485).

The secessionist movement in Kashmir, which started in 1989, also has caused unprecedented violence. According to official sources, around 25,000 people have died in the insurgency, about two thirds of whom have fallen to the bullets of the Indian armed forces (Balagopal, 1996:2916). The natives of Kashmir estimate the human toll to be 50,000 (ibid.). The loss of human lives has been accompanied by systematic human rights abuses,[79] torture, rapes, and fake encounters with the security forces (*Report of International Commission of Jurists*, 1995). A quarter million Hindu Kashmiri Pandits have fled the Kashmir valley following threats from the Muslim militants and are now living in Delhi as internal refugees (ibid, 30). In the BJP's reckoning, the massive civil disturbances in Kashmir are due to a combination of three factors: Pakistan's open encouragement to the insurgency, "bungling on the part of the (federal) government" and the recalcitrance of the Muslim separatists (*BJP on Kashmir*, 1995:i-x). The militants deny that Pakistan is directing their entire movement. The fact is that some radical Islamic groups like the *Harkat-ul-Ansar* do receive training, funds, and asylum from Pakistan, but the rest of them run their own movements (Tremblay, 1996:472). External forces do not manipulate them.

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[79] Both, the security forces (also called the armed forces) and the Kashmiri militants have violated human rights. The armed forces, however, have played a greater part than the latter. Among the inhuman methods employed to kill adversaries were : strangulation by wire, burning alive, lynching, gouging of eyes before assassination, drowning alive, branding with red hot irons, hanging and dismemberment of bodies. The BJP

In the welter of accusations and counter accusations, certain facts remain indubitable. Notwithstanding Pakistani abetment, which is true and substantial, one cannot deny that the insurgency in Kashmir is the upshot of severe dissatisfaction among the Kashmiris about the cavalier ways in which the federal government has treated them. There should be little problem in accepting this proposition because no community would participate in or sustain an insurrection without concrete reasons. Hence both the federal government and the BJP are wrong in blaming the Pakistani government entirely for the imbroglio in Kashmir. Furthermore, if Article 370 confers special privileges on Kashmiris or 'pampers' them, as the BJP alleges, why, then, is the province on the brink of chaos? Which brings us to the question of Article 370. Is it indeed a discriminatory statute? Does it favour Kashmiris in a way that the rest of India cannot even dream of ? Will the abolition of Article 370 bring peace in Kashmir? Is it contrary to the principle of secularism? If so, then why was it legislated in the first place? In order to answer these questions, and to place the controversy in perspective, I shall discuss, briefly, the history, evolution, and implications of Art. 370.

The federal government legislated Article 370 in the context of the special circumstances[80] of Kashmir's accession to the Indian union in 1947. At the time of independence, the British not only partitioned the sub-continent under the Indian Independence Act but also gave three options to the 565 princely states that comprised British India. They included accession to India, Pakistan, or independence. The Congress maintained that the people of the princely states should exercise their option. But the Muslim League argued that it was the right of the ruler to decide one way or the other.

Since the League had premised its two-nation theory on the notion that all Muslim majority areas and all Muslims form a nation, it wanted Kashmir to join Pakistan. In 1947, the Hindu Dogra ruler Maharaja Hari Singh presided over the destiny of Kashmir.[81] Initially,

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accuses the militants of torturing the innocent Hindu population using such heinous methods. For details, see *BJP on Kashmir*, 1995:vii.

[80] For historical details of the Kashmir tangle, see Bose, 1997 and Schofield, 1996.

[81] In March 1846, under the Treaty of Amritsar, the British gifted the province of Jammu and Kashmir to the Dogra ruler Gulab Singh in exchange for a sum 7.5 million rupees. The gift was in recognition of Singh's assistance to the British in conquering the kingdom of Punjab, then ruled by Maharaja Ranjit Singh. Since then,

he was unwilling to join either India or Pakistan. He was keen on ruling over Kashmir as an independent territory. Hence, even after India became free on August 15, 1947, Kashmir did not join the Indian union. As Pakistan, however, was in a hurry to consolidate its national territory, it instigated armed Pathan tribesmen to invade Kashmir in October 1947. In other words, Pakistan launched a thinly disguised, proxy war on Kashmir. It wrecked havoc in several parts of the princely state looting, murdering and raping, innocent citizens. When the situation went out of control and the Maharaja feared that Pakistan would annex his state, he turned to India for help.

But India could not intervene in the internal affairs of a sovereign territory. Therefore, Maharaja Hari Singh hastily signed the Instrument of Accession to India. Under the terms of the agreement, Kashmir agreed to be a part of India and, in return, India offered to bail out the state from the Pakistani aggression. As for ascertaining the will of the people of Kashmir about joining the Indian union, that was to be decided through a plebiscite[82] which would be held after the return of normalcy. The point to note is that the accession to India was rather ad-hoc and prompted by special circumstances.

In appreciation of such extraordinary circumstances, the federal government agreed not to impose its Constitution on Kashmir. The constitutional arrangement in place at that time, namely, governance under the Jammu and Kashmir Constitution Act of 1939, was to continue undisturbed (Noorani, 1993:203). For its part, Kashmir voluntarily surrendered its jurisdiction over three matters to the federal government --defence, external affairs, and communications. On October 17, 1949, the federal government legislated Article 370, embodying its recognition of the special status of Kashmir. By no means is the

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till independence, Hindu Dogra noblemen ruled over Kashmir. Dogri is the mother tongue of the Hindus in Kashmir. The Dogra rulers were oppressive and notorious for imposing heavy taxes on peasants as a result of which most of them were impoverished. To oppose the autocratic Dogra rule, Sheikh Abdullah formed the All Jammu and Kashmir Muslim Conference in 1932. He fought for land reforms and the amelioration of the masses. Being a Muslim, Abdullah feared that his movement might be dubbed as a 'communal' agitation against Hindu rulers. So, he changed the name of Muslim Conference to National Conference in 1939. The National Conference based its politics on enlightened socio-economic policies and demanded an end to princely rule. Abdullah was a hugely popular leader of Kashmir and he later became the Chief Minister of the province.

[82] Pandit Nehru, the Indian Prime Minister, recognized the provisional nature of the accession and reaffirmed the resolve of his government to hold a plebiscite in Kashmir to determine the popular will on this question. The federal government, however, refused to hold a plebiscite after Pakistan complicated the matter by first referring it to the UN (instead of resolving it bilaterally) and then refusing to comply with its resolution. On the recommendation of the UN Commission on India and Pakistan (UNCIP), the world body passed a resolution at the height of the 1948 Indo-Pak war demanding that there be a cease-fire, a truce agreement requiring Pakistan's withdrawal from the whole of Jammu and Kashmir and a plebiscite (in that order). Thus, according to India, the plebiscite was contingent on the vacation of aggression by Pakistan. Since Pakistan failed to comply with the resolution, India refused to hold a plebiscite. The stalemate has not been resolved. Now, India's position is that the plebiscite is unnecessary because Kashmir's accession to India has been ratified through provincial elections, particularly the one held in 1977, in which a mandate was sought specifically on the basis of the Kashmir Accord of 1975 between Sheikh Abdullah and Prime Minister Indira Gandhi, which affirmed Kashmir's accession to India as final and irrevocable.

government's commitment to the people of Kashmir unique or without a precedent. Through various statutes, it has recognized the special status of some north-eastern provinces like Nagaland, Mizoram, Sikkim, and Arunachal Pradesh (ibid.). Since Christians and tribals predominate in these provinces, the BJP seems to be not too worried about the special status granted to them.

Shorn of legalese, the original Article 370--titled 'Temporary Provisions with respect to the State of Jammu and Kashmir'–imposed certain restrictions on the federal government's role in the administration of Kashmir. For instance, it allowed Kashmir to have its own Constitution and exempted it from the provisions of the Indian Constitution dealing with the governance of the provinces. In case the federal government wished to extend a law to Kashmir (in matters other than defence, external affairs, and communications), it required the consent of the provincial government. In turn, the latter had to get it ratified in the Kashmir Constituent Assembly. Also, the provincial government's concurrence was valid only till the Constituent Assembly was convened (Majumdar and Kataria, 1996:185). Thereafter, the Assembly alone was empowered to authorize the federal government to intervene in the provincial administration . Notwithstanding these clauses, Article 370 (3) provides overarching powers to the President of India to pass an order declaring that "this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify" (Majumdar and Kataria, ibid).

Going strictly by the law, however, the President of India cannot abrogate or amend Article 370 because even these measures require the approval of the Kashmir Constituent Assembly. Since the Constituent Assembly was dissolved in 1956 and replaced by a legislative body, technically speaking, the amendment or abolition of Article 370 has no basis in law (Noorani, 1993:210). As we shall see momentarily, in spite of such checks and balances on the powers of the federal government vis-a-vis Kashmir, the former has grossly abused its powers in contravention of the Constitution. The upshot of the legal shenanigans of the federal government is that Article 370 has little sanctity and is largely ornamental in value.

THE ABUSE OF ARTICLE 370 BY THE FEDERAL GOVERNMENT

Ever since it was enacted, Article 370 has been barely honoured in letter or spirit. The crux of the statute is that the will of the people of Kashmir must be respected and taken into account while making decisions pertaining to them. And yet, except for two provincial elections held in 1977 and 1983, the federal government has rigged every other election and installed its agents in power, thereby negating the will of the people (Noorani, 1993:199; *Report of International Commission of Jurists*, 1995:27; Widmalm, 1997). In order to ensure that its suzerainty over Kashmir is accepted unquestioningly, it has crushed dissent with an iron hand. The humiliating treatment of Sheikh Abdullah, the most popular icon of Kashmiri politics, bears ample testimony to the government's attitude toward the political aspirations of the people of Kashmir.

The federal government patronized Sheikh Abdullah so long as he swore allegiance to India. Initially, Abdullah trusted the leaders of the Congress. He worked hard to persuade Kashmiris that their interests would be safe in India and not in Pakistan because the latter was feudal and did not guarantee fundamental rights or abide by a constitution (Tremblay, 1996:482). Soon, however, he developed misgivings about the hegemonic designs of the Hindu majority and started thinking aloud whether Kashmir should reject both India and Pakistan and opt for independence. Alarmed by the thought of losing Kashmir, the federal government imprisoned Sheikh Abdullah for eleven years (August 1953-April 1964) and installed a pliant Bakshi Ghulam Mohammed as the head of the government.

Under his leadership, the Kashmir Constituent Assembly adopted a new constitution for the province and declared that the accession to India was final and 'irrevocable' (D'Mello, 1990:8). Since then, the federal government has spared no efforts to ensure the total integration of Kashmir into the Indian union. It directed Ghulam Mohammed to give the provincial government's 'concurrence' for the Constitution (Application to Jammu and Kashmir) Order of 1954. Under this Order, the federal government acquired jurisdiction on all the subjects in the Union list with respect to Kashmir, as opposed to the three subjects agreed upon earlier, namely defence, external affairs, and communications. Soon after, the Congress led federal government initiated similar measures encroaching on the autonomy of Kashmir. Thus, in 1958, it extended the all India civil services (the elite sections of the bureaucracy appointed by the federal government) to Jammu and Kashmir (D'Mello, 1990:8). Then, in 1965, it brought Kashmir within the ambit of Article 356 which empowers it to impose federal rule in a province when the constitutional machinery breaks down (Tremblay, 1996:484).

The federal government also extended Article 357 to Kashmir. Under this statute, the parliament can empower the President of India to assume the powers of the Kashmir state legislature (ibid.). The next step involved the manipulation of the election laws of Kashmir. In 1967, the Jammu and Kashmir Representation of Peoples' Act was brought on par with the federal statute concerning elections, thereby giving effective powers to the Election Commission of India to intervene in the electoral process in Kashmir (ibid.).

Subsequently, in the name of defending India's unity and integrity, the federal government has usurped more powers by making Articles 248, 249 and 250 applicable to Kashmir. Article 248 vests in the federal parliament the exclusive power to make any law with respect to any matter mentioned in the Concurrent List and the State List. Going one step further, in national interest, Article 249 empowers the Parliament to legislate even on a matter listed in the State List. Article 250 deals with the power of the Parliament to legislate with respect to any matter in the State list if a proclamation of Emergency is in operation. Aside from the sweeping powers assumed under these statutes, the manner in which the federal government privileged them is also significant. It must be remembered that even while steadily trampling upon the freedom of Kashmir, the federal government never failed to pay homage to Article 370. Therefore, in 1986, when it wanted to extend Article 249 to that province, it chose to do so when Kashmir was under federal rule under Article 356. As the head of the government during President's Rule, the Governor Mr. Jagmohan, an appointee of the federal government, gave the necessary consent to extend Article 249 to Kashmir

(Noorani, 1993:222). Thus, technically, the federal government honoured the letter of Article 370. Few, however, can dispute that it all but extinguished the spirit of the statute.

With the emasculation of Article 370, all that remains somewhat 'distinct' about Kashmir is that non-Kashmiris cannot buy land or take up jobs in the government. Contrary to popular misconception, the Hindu Dogra rulers laid down this restriction and not the Muslim dominated government of Kashmir. Also, at a time when few jobs are available and the province is reeling under an insurgency, not many would regret being unable to work or own land in Kashmir. The BJP, however, is implacably opposed to the very existence of Article 370 because it wishes to erase all traces of uniqueness within India, save those of the Hindu community. It has zeroed in on Kashmir with such vehemence because Kashmir is the litmus test for the success of its version of 'cultural nationalism.' In the BJP's reckoning, if Kashmir can be forced to renounce all claims to a distinct status, then it will be a clinching precedent and a warning to all communities within the Hindu fold that nurture hopes of subverting hegemonic Hindutva. Even if Hindu nationalists succeed in their objective, it would be at the cost of alienating the Kashmiris. The decade long insurgency in the province is a grim reminder of the failure of Indian secularism.

THE CONTEXT OF THE DEBATE ON SECULARISM

From our discussion so far, we have seen that there is little substance in the so-called debate on secularism. It is a scarcely-disguised endeavour to instill fear among peace-loving Hindus about the Muslim hobgoblin and the spectre of Islamic takeover. To comprehend the sub-text of this discourse, it is important to appreciate the general context within which it is located. In addition to portraying secularism as the biggest obstacle to the emergence of a strong, united Hindu nation, Hindu nationalists are pursuing three related strategies to earn popular approval for their ideology. They are: a) appropriation of history and culture; b) wooing of tribals, dalits and other backward castes/classes; and, c) using violence and intimidatory tactics to silence the critics of Hindutva. Different groups within the coalition of Hindu nationalist forces are pursuing these strategies and, at different times, they represent the patronizing, authoritarian and minatory facets of what is basically a hegemonic movement.

THE APPROPRIATION OF HISTORY AND CULTURE

The essentialization of history and culture form the corner stone of all projects of religious nationalism. Hindu nationalism also posits the centrality of religion in defining and interpreting Indian history. It deliberately ignores the socio-economic, political, and cultural forces that shape history. Since the 1970s, when they gained prominence in Indian politics, Hindu nationalists have been relentlessly trying to privilege and institutionalize Hinduised versions of Indian history and culture. Their techniques have been many and varied, ranging from the sophisticated to the ludicrous. For example, in early 1998, the BJP led provincial government in Utter Pradesh passed an order directing schools to organize *Saraswati puja* -- the worship of the Hindu Goddess of learning, Saraswati -- and ensure that all students, irrespective of their religious background, participate in it (*Times of India*, April 28, 1998).

Further, it ordered that all school kids must recite the *bhojan mantra* -- Sanskrit incantation that Hindus recite before partaking their meals -- and learn Sanskrit (ibid.).

The people drafted for propagating Hindu culture come from different walks of life. They include teachers, *pracharaks* (literally, propagandists, activists dedicated to spreading the message of Hindu nationalism), Hindu gurus, yogis, and god-men (men worshipped as incarnations of divinity), and journalists/writers. They try to disseminate revivalist accounts of Indian history and culture within their spheres of influence. Of them, the proliferating tribe of god-men[83] have been most effective in their propaganda not only because they are seen as gods in human form but also because large numbers of people attend their discourses. Their celebration of Hindu culture takes the form of unscientific, revivalist claims. Thus, they tell their guileless devotees that the ancient Vedic sages knew long ago things about the material world that quantum physics is discovering only now. The gurus take care to emphasize both the material achievements of Hindu culture as well as its putative spiritual wealth. The net effect is that lay Hindus are convinced that the heritage of Hinduism is priceless because it combines in itself the accomplishments of the materialist West and the spiritual insights and values of the East. This conviction prepares them to violently confront anyone they consider as being inimical to their religion and culture.

Another popular theme concerns the apparent 'havoc' caused by Islamic invaders on Hindu culture. Itinerant gurus and god-men provide graphic accounts of how the Moghuls, Turks, and other Muslim rulers rode roughshod over Hindu sensibilities, forcibly converted them, pillaged their temples, and persecuted them for their religious beliefs. They reinforce the notion that Muslim invaders have tormented Hindus for 800 years and that the latter must emancipate themselves from the yoke of Muslim tyranny. Calculated to arouse hatred against Muslims, their discourses instigate Hindus through provocative remarks such as:

> Do you wish to live in a country dominated by the descendants of Aurangzeb (the Mughal emperor) who burnt his father in oil? Or, do you want to live in a land ruled by the men of Ram who fought valiantly to save his brother at the cost of his own life? Why should Hindus give in to those who want to overpower us with their multiple breeding and anti-national views? *(sic)* Why should we tolerate those who eat the cows we worship? (quoted in Vavrouskova, 1994:121)

Since the early 1980s, Hindu gurus have gained phenomenal popularity and following all over India and abroad. To a large extent, their mass appeal is on account of their high profile intervention in the secular realm of politics. Arguing that the socio-economic and cultural torpor in the country is entirely due to the rise of '*adharma*' (lack of righteousness), the gurus justify their participation in politics on the ground that they wish to bring about a national renaissance through invigorating Hinduism. In order to carry conviction with the masses, they rake up highly emotive issues such as the Babri mosque-Ram temple agitation in Ayodhya and the anti-cow slaughter movement, and project them as being crucial for the very survival of Hindus as a community. Apart from their quasi divine status, most gurus have access to the enormous wealth and resources of their devotees which they use for their political propaganda. Their greatest advantage is that they speak the idiom of the lay individual and communicate in rustic Hindi, the language of the masses. Using mythology, folk and popular culture, they harp on the need for Hindu unity and rejuvenation. The emphasis on Hinduism is meant to ensure, among other things, their acceptance as the arbiters of their religion and culture.

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[83] For an interesting analysis of the role of gurus in popularizing Hindu nationalism, see McKean, 1995.

The Hindu nationalists have provided massive support to the gurus in order to exploit their popular legitimacy for consolidating the Hindu community. Hindu god-men were in the vanguard of the hugely successful Ayodhya movement with the open encouragement of the BJP. The party has cultivated a phalanx of 'holy men' whom it uses to articulate what might appear to be Hindu aspirations.

In return, the gurus have furthered the cause of Hindu nationalism in a variety of ways. Swami Satyamitranand built an eight-story *Bharat Mata Mandir* (temple to Mother India) in Hardwar, celebrating Indian nationalism through Hindu idiom thereby imparting religious colour to what ought to be a civic, all-encompassing identity.[84] Besides, he has exhibited the pictures and icons of prominent Hindu nationalists and portrayed them as people who sacrificed a great deal for Mother India. Needless to say, no mention exists of the part played by non-Hindu leaders in the freedom movement. The image of Mother India, the picture gallery and the themes and motifs of the exhibits are all meant to convey "a particular conception of Indian history," one that reaffirms that India is a land of Hindus (McKean, 1996:152).

In addition to the temple, the swamis of the VHP (World Hindu Council) have composed an *Ekatmata Stotra* (Unity hymn) a Sanskrit hymn of 33 verses glorifying the unity of Hindu India (Hellman, 1994:55). The VHP has made great efforts to popularize the hymn by making its chanting compulsory for kids in the various schools run by the Hindu nationalists. The greatest contribution of the gurus, however, is the formulation of a code of conduct[85] for standardizing the diverse customs, traditions, beliefs, and rituals of the Hindu communities. This code is the product of the political ingenuity of the gurus and has no scriptural sanction. Therefore, the problem of its implementation remains. In a land as eclectic and huge as India, how can the VHP ensure that its writ is honoured? It has only two options. First, it has to strive hard to make the status of a Hindu attractive by providing preferential treatment in areas like law, administration, and the like and by prescribing sanctions against any transgression. Second, as we have seen, the VHP has to fall back on the time-tested strategy of accentuating the greatness of the Hindu identity and the need for preserving it in the face of imaginary threats to its existence.

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[84] For a detailed description of the temple and analysis of the ideology of Bharat Mata (Mother India), see McKean, 1996, chapter 6.

[85] The swamis of the VHP have drawn up a list of six do's for every Hindu to 'suit the modern conditions of life' and to set right the 'various anomalies which have crept into our social customs during the long period of our decay.' They are: 1. All Hindus must believe that the 'Sun is Eternal God' and should worship the Sun every morning. 2. All Hindus must wear the symbol 'Aum' -- the 'celestial replica of God' -- around their necks. Since it is the symbol of Hinduism, it must be inscribed on 'books, diaries, visiting cards, letter heads, vehicles, etc.'. 3. All Hindus, regardless of their sectarian affiliations, must consider the Bhagavad Gita as the sacred book of the Hindus. 4. All Hindus must keep an icon or image of their family deity in their homes and worship it daily. 5. All Hindus must grow *Tulsi* --the Basil plant, well known for its religious importance and medicinal properties -- at home and worship it daily. 6. Every Hindu must regularly visit 'his centre of faith' like a temple, prayer hall etc. with his family members.

For details, see McKean, 1996, chapter 4, pp.110-111.

To accomplish their goals, the god-men of the VHP are demanding the revision of the entire Constitution of India (Vavrouskova, 1994:120). They argue that since the present Constitution is based on colonial laws and is the product of 'Western scholarship,' a new Constitution must be drafted which will "reflect the ethos of this ancient land" (quoted in Vavrouskova, 1994:121). As we saw while discussing the UCC debate, the Constitution, as it stands, is heavily tilted in favour of the Hindus. How, then, does one understand the latest demand of the VHP? The inescapable conclusion is that it is meant to lay down, for all intents and purposes, that India is a theocratic Hindu state, without, perhaps, using these expressions.

The question of giving the benefit of doubt to the Hindu nationalists is ruled out when one reckons with the simultaneous agitation of the VHP, BJP, and their allies, this time on the terrain of history. As in the Ayodhya dispute, Hindu nationalists have made history central to their contemporary political struggles on the specious plea that it involves the restoration of the 'self-respect' of Hindus. Is it more important to agitate and shed blood over a temple-mosque dispute when there are thousands of other temples all over the country and when more pressing socio-economic issues require our attention? According to the Hindu nationalists, it is. Their logic is that Hindus suffered under the oppressive regimes of the foreigners (like Afghans, Mongols, Turks, Moghuls, and the British) for nearly a thousand years because they lacked unity and self-respect. Therefore, regaining self-respect and recuperating their lost masculinity are the keys to India's progress.[86] How does one regain self-respect? By setting right the wrongs of history. Where does one begin? By forcing the Muslims to expiate for the acts of vandalism that their forebears allegedly committed centuries ago. This means that present-day Muslims must voluntarily give up the possession of nearly three thousand mosques all over India as, according to the Hindu nationalists, they were all built after razing the temples that stood on those sites (Vavrouskova, 1994:120).

AVENGING HISTORICAL 'HUMILIATIONS'

If one accepts the argument that setting right historical wrongs is a legitimate political activity, then the upper caste leadership of the VHP and the BJP is sure to come to grief. What if the dalits, tribals and aboriginals demand reparations for the centuries of oppression they suffered (and are still suffering) at the hands of the upper castes? Also, why should the BJP zero-in exclusively on the Muslims? The British inflicted far greater damage on the Indian economy and siphoned off its wealth. Is the BJP willing to hold the present British government accountable for the acts of the colonial rulers?

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[86] These themes form the kernel of Hindu nationalism according to the BJP and the Shiv Sena. For an analysis of these themes and the ideology Hindu nationalism, see Sarkar, 1995. Hansen (1996a) has critiqued the Shiv Sena's notions of Hindu nationalism, masculinity and Hindu pride and its aversion for the Muslims.

Even on the specific issue of vandalism in temples, the allegation of the Hindu nationalists does not hold up to scrutiny. It is indeed true that several Afghan, Turkish, and, Moghul rulers like Mahmud of Ghazni, Babar, and Aurangzeb repeatedly plundered the wealth of Hindu temples and desecrated them. But, as several historians have pointed out, in the medieval period, Muslim invaders deliberately destroyed or privileged cultural symbols in order to consolidate their conquest and establish their cultural and ideological hegemony (Mukhia, 1977; Panikkar, 1991; Thapar, 1985). The objects of such destruction often were Hindu temples. The motivation, however, was not religious bigotry as much as the assertion of power (Pannikar, 1991:6).

A less known, interesting fact is that Muslim rulers were not the only ones who pillaged temples. Several Hindus kings also were said to be involved in it. Plundering the wealth of temples was an oft-employed royal strategy to replenish the state exchequer. Thapar notes that Kalhana's Rajatarangini mentions that Harshadeva, an 11th century king of Kashmir, "defiled and looted temples when he required funds for the state treasury. He appointed a special officer whose function was to seize the images and the wealth of the temples" (1985:18). Similarly, Mukhia cites Shubhatavarman, the Paramara ruler, who "attacked Gujarat and plundered a large number of Jain temples at Dabhoi and Cambay" (1977:34). Therefore, to make much of the Muslim looting of temples is to misread history.

Unfortunately, even if the Hindu nationalists insist on the correctness of their reading of history, then they will have to explain how they wish to make good the damage Hindu kings inflicted on Buddhist monasteries and Jain places of worship in the past? The tradition of religious intolerance inaugurated by Hindu kings of yore continues to this day, as is evidenced by the Hindu attacks on Buddhist and Jain temples in Bihar and churches in the north-east. Thus, it makes little sense to selectively invoke historical wrongs of the past for punishing contemporary Muslims.

INSTITUTIONALIZING HINDU HISTORY

And yet the BJP has left no stone unturned to institutionalize its version of history. In 1992, it was voted to office in four north Indian provinces: Utter Pradesh, Madhya Pradesh, Himachal Pradesh and Rajasthan. One of the first tasks of the BJP provincial governments was to revise the history text books for school children. The driving force behind this move was the RSS (National Volunteer Corps) -- the ideological backbone of the BJP. Since its inception in 1925, the RSS has promoted Hindu nationalism in a variety of ways. Its preferred mode of propaganda, however, is the indoctrination of youngsters through education and cultural activities.

The RSS started its first private nursery and primary school, *Saraswati Sishu Mandir* (after Saraswati, the Hindu goddess of learning), in 1952 at Gorakhpur in Utter Pradesh. The avowed objective was to impart Hindu education in contradistinction to the secular education provided at other institutions. Starting on a modest note, the school has grown in numbers and influence. Currently, 3000 such schools are functioning in different parts of India (Kumar, 1993:551). In 1977, the RSS started *Vidya Bharati* -- an all-India apex body to coordinate the activities of its various educational institutions (ibid.). When the BJP governments assumed office in Utter Pradesh and Madhya Pradesh, they adopted the *Vidya Bharati* model of education and allowed it to set up a parallel education board (Behera, 1996:202). Currently, *Vidya Bharati* runs 13,000 schools providing education to 1.75 million students and employing 74,000 teachers (*Outlook*, April 27, 1998).

Taking advantage of official patronage, in 1992 it decided to prescribe a revised set of history textbooks for use in its schools. *Vidya Bharati* claimed that the existing textbooks contained a lot of distortions and errors and gave students a misleading impression of India's 'glorious past.' The new texts it prescribed were *Gaurav Gatha* (The Saga of Pride) and *Itihas Ga Raha Hai* (History is Singing). Written from a Hindu perspective, these texts emphasized that the history of India was a 2500 years saga of Hindu resistance against foreign invaders, that the Mughal emperors were the most fanatical and despotic and that Hindu nationalists played a pivotal role in securing India's independence from foreign rule (Behera, 1996:201; Kumar, 1993:555). The texts conveyed the impression that the differences between Hindus and Muslims were irreconcilable and the relations between the two were marked by bouts of dominance and resistance. They also contrasted the dark and obscurantist epochs of the medieval Moghul rulers with the glorious periods in ancient India that witnessed an upsurge of Hindu creativity. The texts contained chapters on Vedic mathematics and exaggerated accounts the scientific and technological accomplishments of ancient India (Behera, ibid.). The vilification of the Moghul era and the lionization of Hindu achievements were only to be expected. The most significant distortion concerned the question of Aryan invasion in India. While scholarly opinion[87] is divided on whether or not the Aryans were outsiders who came to India from central Asia, the texts declared that they were the original inhabitants of the country and that they made signal contributions to Indian culture, including those of the earliest Harappan civilization (Behera, 1996:201).

THE ARYAN INVASION THEORY

The treatment of the Aryan invasion theory in Indian history offers a good example of how both the upper and the subaltern castes have used it for their political purposes. At the height of the Ayodhya movement, Hindu nationalists raised slogans asking Muslims to either live in India as Hindus or quit the country and go to 'Pakistan or *Kabristan*' (the graveyard). In fact, since its inception, the RSS has posited that 'foreigners' should enjoy an inferior status in India, and, if this treatment is unacceptable, then they must get out of the country. If its theory is taken to its logical extreme, then, the upper castes, who see themselves as descendants of Aryans, must also quit India because, they too are 'outsiders.' To preempt such inconvenient subversions of its thesis, the BJP has manipulated history to claim that Aryans were not outsiders but natives of India. Also, it wants to camouflage the confrontation that took place between the upper caste Aryans and the native Dasa population. According to the BJP, confrontations started only when the Mughals and the Christians invaded India. Such claims boost its general argument that the Aryan Hindus have constantly fought against the 'oppressive foreigners' for 2500 years. In view of the crucial importance of the Aryan invasion theory, I shall dwell on it briefly.

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[87] The question whether Aryans invaded India is a polemical issue and is far from settled. Even within critical leftist scholarship, opinions are sharply divided. Thus, while renowned archeologists and scholars of ancient Indian history like H. D. Sankalia, R. S. Sharma, Suvira Jaiswal and F. R. Allchin accept the Aryan immigration thesis, some like Prof. Romila Thapar reject it. I have based my analysis on the findings of Prof. Thapar. For details of her incisive analysis, see Thapar, 1989 and 1996. The Hindu nationalists have been quite vehement in arguing that Aryans were an indigenous community and not foreigners. For details of the Hindu nationalist perspective, see Rajaram, 1993 and 1995.

The notions that upper caste Hindus are descendants of the Aryan stock and that an affinity exits between them and the European Aryans are products of colonial and nationalist historiography. Orientalist scholarship--primarily by European Indologists-- in the areas of Indology and comparative philology also contributed to what some academics label as the "nineteenth century myth" of the Aryan race (Thapar, 1996:3). It was one of the contretemps of history that in the process of negotiating their own problems, orientalist scholars laid the foundation[88] for what was to consolidate as the Hindu identity and become the cementing force for a pan-Indian anti-colonial movement. Several factors were responsible for the phenomenal interest among European Indologists in the ancient culture and civilization of India. A desire to explore the exotic world of Indian culture, its bizarre rituals, traditions, beliefs, and practices and the need for understanding the culture and ethos of the 'natives' for gaining control over them were the obvious reasons that spurred interest in Indological studies. The colonial regime provided encouragement and patronage to such academic pursuits because they furthered its political interests, in addition to strengthening its bona-fides as the genuine benefactor of Indian culture.

But there were more compelling reasons for the European interest in India. Throughout the 18th and 19th centuries, Europe witnessed tumultuous socio-economic changes in the wake of rapid industrialization. The Orientalists were cloven by anxieties over the historical transformation of Europe and felt deeply insecure and disoriented. Hence they were in search of 'utopias' elsewhere and discovered them "in the ancient cultures of the Orient" (Thapar, 1977:3). Another reason was the ideological battle between the Orientalists and the Utilitarians that was raging during the later part of the 18th century. The latter took a grim view of Indian culture and criticized its backwardness. James Mill, an influential Utilitarian, in his History of British India, excoriated Hindu culture for being irrational, static, and inimical to progress (Thapar, 1991:19). Orientalists, and later, nationalist historians, were slighted and tried to defend 'Hindu' culture. In the process, they over-glorified it. In the end, what the European Indologists 'discovered' was a Hinduism that was exotic, utopian, and free from the maladies of modern civilization.

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[88] Around the end of the 18th century, orientalist scholars started the Royal Asiatic Society in Calcutta to undertake a systematic study of what was then regarded as the classical tradition of India. Under the aegis of the Society and with support from the colonial government, Indologists published major works on Indian culture. Prominent among them were H.H.Wilson's **Sketch of the Religious Sects of the Hindus** (1846), Max Muller's six volume edition of the **Rig Veda** (1849-1873) and later his monumental 50 volume series titled **Sacred Books of the East**, Monier Williams' **Hinduism** (1877) and James Mill's **History of British India**. Besides, linguists, philologists and judges published several dictionaries, legal digests and compendia for administrative and legal purposes. Though well researched, much of the work on Hinduism was flawed because the scholars relied almost exclusively on Brahmanical sources and texts --the Big Tradition-- and ignored the Little Tradition completely. Also, since they approached it from the perspective of Semitic religions, they tried to fit elements of Hinduism within the rubric of a Semitic model.

Close to the end of the 18th century, as the Orientalists were positing an idealised Hinduism, in Europe there was a major debate about the Aryan lineage of Europeans. The European aristocracy, which was in decline at that time, wished to seek consolation for its diminishing status by tracing its origins to the Aryan lineage. This debate had its echoes in distant India. After they had discovered what they wanted in Hinduism, the Orientalists were keen to appropriate the credit for its achievements. The opportunity presented itself when Sir William Jones, a comparative philologist and scholar in classical languages, studied Sanskrit grammar and pronounced that there were similarities in the structure, syntax, and vocabulary of Sanskrit, Latin, and Greek. He argued that similarities among these languages confirmed a common Indo-European family of languages. Based on philological evidence, the Europeans maintained that people who spoke languages belonging to a common family came from a common race (Thapar, 1996:6). Thus, the notion of a common Aryan ancestry of the Indo-Europeans gained currency. Orientalists argued that the Indo-Europeans were people who spoke related languages and lived in the pasture land between the Caspian and the Black Seas. The new thesis was that around 2000 BCE, some of these tribes moved to the west to England and Ireland and some others to the east to the Indus Valley (Hawley, 1991:22).

The gist of this exercise was to affirm that the Aryans were a superior race who invaded the north western part of India around 2000 BCE and quickly moved ahead to subjugate the native Dravidian population. The Orientalists claimed that the Aryans who composed the Vedas in Sanskrit-- considered central to Hinduism by the orthodox--and created the Indus Valley civilization were descendants from the Indo-European stock. In other words, the thrust of their thesis was that the Europeans had contributed to Indian civilization and therefore can legitimately take pride in its achievements.

Much as one sympathizes with the overwrought and far-fetched attempts of the Orientalists and Europeans to resolve their identity dilemmas and find solace for their eroding status, one cannot deny that their thesis is substantially lacking in merit. Recent scholarship has disproved the notion that people speaking a common Indo-European language belong to the same Aryan race as language and race are "distinctly different categories" (Thapar, 1996:24). Further, according to Thapar, the archeological discovery of the Indus civilization and the excavation of the cities of Harappa and Mohenjo-daro in the 1920s invalidated the Aryan theory (1996:11). The Orientalist thesis is reconstructed from the Vedas--supposedly of Aryan authorship--which mention agrarian and pastoral societies, the use of iron technology and the ritual use of horses. More recent archeological evidence, however, points to an urban society with a script, the use of copper technology, and no proof of the ritual use of horses (Thapar, 1989:16). While there could be scholarly disagreements on the conclusions, what has to be minimally acknowledged is that just as we do not have the last word on whether or not Aryans immigrated to India, the BJP's assertion that they were indigenous people is equally problematic.

THE POLITICS OF THE 'ARYAN ORIGINS' CONTROVERSY

Instead of being caught in the conflicting evidence from historical, archeological and linguistic sources, it would be more fruitful, for our purpose, to understand the immediate socio-political compulsions that forced the colonialists, secular, and Hindu nationalists to adopt varying positions on the Aryan question. We have noted the political, intellectual and psychological concerns that crystallized the Orientalist position. When the Orientalists claimed affinity to and credit for Indian culture through a common Indo-European connection, nationalist historians, instead of subjecting it to academic scrutiny, applauded it wholeheartedly. This selective acquiescence in colonial claims was unusual, considering that the nationalist historians contested all other aspects of the colonial reading of Indian history. On the basis of the orientalist thesis, nationalist leaders like Keshub Chandra Sen proclaimed that "the coming of the British to India was symbolic of the meeting of parted cousins" (Thapar, 1989:16).

Several practical considerations also dictated the enthusiastic response of the nationalist historians. During the late 19th and early 20th centuries, their main preoccupation was the anti-colonial movement. Glorification of the past salved their spirits and annealed Indians to bear the harsh conditions of life under colonialism. It gave them a reason to fight unitedly against the might of the British empire. Also, they had to contend with the Utilitarians and some English historians who had propounded stygian theories discrediting Indian culture. The theory of Oriental Despotism-- the thesis that Indians were incapable of self-government and that they were inured to despotic rule--stoked the patriotic fervour of nationalist historians. Hence a significant part of the nationalist response was devoted to countering the negative stereotypes of colonial historiography. The notion of a common Aryan descent made their task easier.

Another factor was the upper caste/middle class social background of the nationalist historians. The Aryan theory bolstered their claim to social superiority. Nationalist historians felt good in believing that they belonged to the same stock as their colonial masters and shared common cultural roots with them. The implicit premise in this argument was that the superiority of the upper castes, who were descendants of the Aryans, was unassailable. Invoking the Aryan theory, they could describe the lower castes as 'non-Aryans,' the progeny of Dravidians or the natives of the sub-continent. Thus, the subliminal significance of the theory was that it legitimized upper caste claims to natural superiority since being Aryan became the defining criterion for genuine Hindu leadership.

Interestingly, several subaltern caste groups--particularly lower agrarian and artisan castes, officially known as 'Other Backward Castes' (OBCs)--have stood the Aryan theory on its head and used it to critique Brahmanical Hinduism. The most powerful exponents of the subaltern perspective on Aryan theory were Jotiba Phule (1826-1890) in Maharastra and later Periyar E. V. Ramasami Naicker in Tamil Nadu. Phule, a social reformer, was born in the lowly *Mali* (gardener) caste. Aside from pioneering education for women by starting the first high school for girls, he also waged an ideological battle against the upper castes. Phule's critique of the Aryan theory is, indeed, unique. He agreed with the Orientalists and the nationalists that the Brahmins were the descendants of the Indo-Europeans. But he argued against their superiority and criticized them as exploitative invaders who subverted the egalitarian social order of the peasant and the artisan castes--the original inhabitants of India (Omvedt, 1995:19).

Phule's inversion of the Aryan theory became a counter hegemonic ideology and he succeeded, to a considerable extent, in polarizing subaltern opinion against the upper castes. Similarly, in Tamil Nadu, Naicker led a massive agitation against Brahmanical supremacy under the auspices of the Self-Respect Movement founded in 1925. He described the Brahmins as the descendants of the Aryans who subjugated the Dravidians, the natives of Tamil Nadu, and opposed Brahmanical Hinduism and Sanskrit, the language of the Aryans. The popular movements led by Phule and Naicker considerably undermined the legitimacy of the Brahmin dominated upper caste leadership. Their influence manifested themselves in non-Brahmin movements in several other provinces, albeit on a smaller scale. The dalits also drew inspiration from them and organized themselves under the leadership of Dr. B. R. Ambedkar (1891-1956). He too attacked the elitist biases of the Aryan theory and cited them to argue for a radical politics of the lower castes and the minorities.

It is indeed interesting that the Brahmins started the RSS (National Volunteer Corps) in Maharashtra in 1925. Both the timing and the place were significant. As we saw, during the mid 1920s, the anti-Brahmin movement was on the ascendant and one of its epicentres was Maharashtra where the subaltern castes had mobilized themselves under Phule and Ambedkar. Clearly, then, the Brahmins started the RSS to neutralize the rising tide of opinion against the hegemony of the upper castes. As a crucial step in this direction, the RSS rejected the Orientalist and nationalists theories of Aryan invasion and emphasized that they were the natives of India. If it had not done so, then the *raison d'etre* of Hindu nationalism would be lost, because the lower castes and the minorities then could have discredited it easily as being inspired by a group of people who have no roots in the country. Besides, only by establishing their claim as natives could the upper castes demand the ouster or assimilation of the Muslims.

The most compelling reason for claiming nativity for the Aryans is the logic of numbers. Only by identifying with the sons-of-soil can the upper castes base their case for a pan Indian Hindu community and a Hindu state. What is apparent from our discussion so far is that whatever the merits of the Aryan theory, the BJP's distortion of it is fraught with grave consequences because it provides the ideological justification for its xenophobic cultural nationalism.

CULTIVATING DALITS, TRIBALS, AND THE SUBALTERN CASTES

One of the well-known truisms of Gramscian theory is that the class that wishes to be hegemonic has to nationalize itself. Till the late '80s, Hindu nationalists pursued the slow and agglutinative strategy of promoting Hindu *sangathan* (unity) by dispatching committed *pracharaks* (propagandists) to convert youngsters in the various cities and small towns. The emphasis was clearly on ideological indoctrination. By its very nature, such a process requires a long gestation period before it yields results. Hindu nationalists could not make much headway in the electoral arena till the late 1980s because they insisted on ideological purity and resisted all suggestions to dilute it to make it all inclusive. In the 1984 parliamentary elections, held a couple of months after Sikh militants killed Prime Minister Indira Gandhi, the newly formed BJP was completely decimated. It garnered only 7.4 percent of the national vote and won just two seats. The Congress wrested votes from the traditional BJP constituency by arousing Hindu phobias about the destabilizing activities of the minorities like the Sikhs and the Muslims. Its campaign on the Hindu plank was so successful that Rajiv Gandhi won a landslide victory securing a whopping 48.1 percent votes and 415 seats (out of 542) in the Lok Sabha, a feat that a colossus like Nehru could not accomplish. Even if one discounts the surge of public support for the Congress on account of what some psephologists called a 'sympathy wave,' it can hardly be denied that the Hindu plank yielded rich dividends.

Alarmed by the victory of the Congress, the BJP chalked out an ambitious plan to regain its hold on the Hindu constituency. It involved bringing the entire gamut of lower castes (OBCs, dalits, and tribals) within its own sphere of influence. Its objective was to widen the social base of Hindu nationalism which was till then restricted to the Brahmin and Bania (a trading caste) castes.[89] The BJP realized that short of being a multi caste/class coalition like the Congress was till recently, it will not be able to come to power at the federal level. But its greater concern was that the lower castes and minorities might form a coalition to defeat both the Congress and the BJP. Such a coalition would be hard to vanquish because it would comprise the majority[90] of Indians. In spite of being riddled with inner contradictions, the OBCs, lower castes and the minorities did form such a coalition in Utter Pradesh to unitedly contest the provincial election in November 1993. Though successful, the coalition was short-lived. The provincial government collapsed in June 1995.[91] In order to ensure that the Utter Pradesh type experiment is not replicated elsewhere, the BJP is trying to make itself and its ideology more acceptable to the subaltern castes.

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[89] The Brahmins, Banias, and other forward castes that comprise the core constituency of the BJP form a minuscule part of total percentage of the population. It is estimated that the forward castes comprise no more than 18 percent of the population. Prominent among them are: Brahmins (3.5%), Rajputs (3.9 %), Bhumihars (2.02%), Vaishyas-Banias (1.8%), Kayasthas (1.07%), and Jats (1 %) (*Report of the Backward Classes Commission*, quoted in Larson, 1995:10).

[90] The percentage wise break up of the lower castes is as follows: dalits (15 %), tribals (7.5%), OBCs (lower peasant and artisan castes - between 25-50% [ibid.]).

[91] For details of how the coalition came together and why it collapsed, see Duncan, 1997.

As a first step, it has co-opted popular icons of reformed Hinduism--swamis and gurus who advocated a more open and accommodating approach toward the lower castes--like Swami Vivekananda.[92] Till 1993, Hindu nationalists never cared to pursue or propagate the progressive teachings of Swami Vivekananda. If anything, they were opposed to the Swami's views on Hindu reform, the orthodoxy of the caste system, and, most important, his plea for the integration of Hindus and Muslims. While not attacking his ideology openly, the RSS and the VHP did not approve of him either. But in August 1993, the Washington branch of the VHP suddenly decided to commemorate the 100th anniversary of the Swami's celebrated address to the Parliament of World Religions in Chicago. It organized a huge convention titled 'Global Vision 2000' and converted the event into a public relations exercise for Hindu nationalism (*India Today*, August 31, 1993, pp. 65-68). Furthermore, the VHP depicted Swami Vivekananda before an international gathering as a votary of Hindu militancy (ibid.). It selectively highlighted quotations from his *Complete Works* to make him appear as an ardent Hindu nationalist, as one who wanted Hindus to avenge the wrongs of the past. Organized in the background of the demolition of the Babri mosque in Ayodhya in December 1992, the convention was also meant to counter the negative publicity Hindu nationalism had received in the international media.

The VHP had hoped that by co-opting Swami Vivekananda, it would be able to win over the fence-sitters among the Hindus and also literate sections of the non-Brahmin castes. Besides, it wanted to earn the goodwill of the wealthy and influential Non-Resident Indian (NRI) community[93] in North America and elsewhere whose monetary support and respectability it solicits for carrying on its activities.

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[92] Swami Vivekananda (1862-1902) was the chief disciple of Sri Ramakrishna (1836-1896), a propounder of Advaita Vedanta (monism/solipsism). He travelled the length and breadth of India spreading the gospel of Advaita. His religious mission also took him to several countries and he was famous as a great orator and a particularly skilled exponent of Hinduism. Swami Vivekanada tirelessly advocated the reformation of Hinduism, particularly the caste system. He also opposed obscurantism masquerading as religion and criticized the excessive control of Hinduism by the priestly class and the practice of meaningless rituals. The Swami preached that both Hindus and Muslims should learn to love each other and live in peace. He worked for the renaissance of Hinduism and taught that the synthesis of Hinduism and Islam in India would be beneficial to both communities. To disseminate the message of Advaita and the reform of Hinduism, Swami Vivekananda founded the Ramakrishna Mission in 1897. Though acclaimed as a great spiritual leader and social reformer, during his life time and even later, Swami Vivekananda's teachings had a limited impact. Orthodox Brahmins and other upper castes looked down upon his teachings because he opposed the caste system and advocated the integration of Hindus and Muslims. Another reason why he was not accorded due respect was because he was a non-Brahmin. Swami Vivekananda (originally Narendranath Datta) belonged to the *Kayastha* (clerical and account keepers) caste. Even now the upper castes maintain that he received encouragement and attained a measure of fame only because the non-Brahmins wanted to promote someone from their own community.

[93] Over half a million expatriate Indians, officially known as Non-Resident Indians (NRIs), have made the United States their permanent home (quoted in Adhopia, 1993:197-199). In Canada, their population is around 350,000 (ibid.). A majority of them are upper caste Hindus (about 95 percent). Also, most of them are professionals -- scientists, professors, doctors, entrepreneurs, and engineers -- and have done well for themselves in their adopted lands. For instance, though Indians make up less than 0.4 percent of the American population, 5 percent of investment bankers and financial consultants on Wall Street are Indians (quoted in Lal, 1996). Due to reasons such as cultural insecurity and racism in the mainstream North American society, nostalgia, respect, and admiration for orientalist Hinduism, identity crisis, fear of subversion of their accustomed way of life by

In addition to Swami Vivekananda, Hindu nationalists have also discovered virtues in Dr. Bhim Rao Ambedkar (1891-1956),[94] one of the greatest leader of the dalits. Till recently, they were openly hostile to Ambedkar and the people he represented. Ambedkar, too, was unsparing in his critique of Brahmanical Hinduism and knew that so long as its philosophical edifice was in tact, the plight of the dalits and minorities will not change. He waged a lifelong battle against the ideology and social practices of Brahmanical Hinduism and hence earned the wrath of the upper castes. As the federal Law Minister, Ambedkar piloted the controversial Hindu Code Bill in the early '50s. When traditionalists within the Congress and members of the Hindu Mahasabha opposed its progressive features, he mordantly criticized them and the Hinduism they invoked in support of their opposition. Cutting across party lines, upper caste Hindu M.P.s joined hands to dilute the Bill and defer its enactment. They also inveighed against Ambedkar and demanded his resignation. In frustration, Ambedkar put in his papers as the Law Minister. Sensing the fury the Hindu Bill had evoked, Prime Minister Nehru accepted his resignation.

This unsavoury episode, along with similar experiences in the past, confirmed Ambedkar's belief that Brahmanical Hinduism can never be magnanimous toward the lower castes. Therefore, he resolved that though he was born a Hindu, he will not die as a Hindu. On October 15, 1956, Ambedkar publicly renounced Hinduism and converted to Buddhism along with his 380,000 followers at a huge public rally in Nagpur (Rodrigues, 1993:299). Ambedkar's apostasy represented the final and irrevocable severance of his ties with Hinduism. Since then, millions of dalits have crossed over to Buddhism, much to the chagrin of the upper castes. In fact, the 1961 census revealed that after Ambedkar's proselytization in 1956, nearly three million people emulated him and called themselves Buddhist, as a result of which the number of Buddhists in India increased by 1,671 percent (ibid.). In the decades that have gone by, this trend has continued at a steady pace.

Evidently, these developments have unnerved the Hindu nationalists. What troubles

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market values and so on, they solidly support Hinduism and Hindu nationalism. In the UK, US, Canada, and other European countries, the NRIs have formed an organization called 'The Overseas Friends of the BJP' with the intention of providing monetary and political support to the party. The VHP also has its branches in all these countries. Lately, the shenanigans of Hindu nationalists in India have alienated some of their patrons abroad. To win back their sympathies and to give them the impression that even well-regarded swamis support Hindu nationalism, the Washington branch of the VHP organized 'Global Visions 2000. For an interesting analysis of the NRIs involvement in 'Yankee Hindutva,' see Mathew and Prashad, 1996. Also, Rajagopal (1997) provides a detailed analysis of the transnational networks of the Hindu nationalists.

[94] Born in a lowly Mahar family (Mahars are an untouchable community in Maharastra) Ambedkar, suffered the indignities of untouchability as a youngster. His tribulations made him critical of Brahmanical Hinduism. In spite of crippling social disabilities, Ambedkar worked hard and obtained higher education in London and at Columbia University. A lawyer and economist by training, he was a brilliant scholar and an indefatigable champion of the rights of the dalits. In recognition of his legal acumen, Pandit Nehru entrusted him the task of framing the Indian Constitution. For biographical details and the social philosophy of Ambedkar, see Keer, 1971.

them most is that the egalitarian philosophy of Buddhism might empower the lower castes to dislodge the supremacy of the Hindus. Even if they do not pose such a fundamental challenge, the mere presence of a growing Buddhist population precludes the formation of a homogenized Hindu community. Hence, in what is one of most ironical twists in Indian politics, Hindu nationalists have launched a movement to attract the dalits. To begin with, the RSS and the VHP have stopped openly criticizing Ambedkar. Instead, they display a more conciliatory attitude.[95] In an interview, Ashok Singhal, a top leader of the VHP, compared Ambedkar to Manu, the ancient Brahmin sage who formulated the canonical laws of the Brahmins (*Frontline*, November 17, 1995:30). He also made light of Ambedkar's conversion, arguing that since Buddhism is a part of Hinduism, Ambedkar had not renounced Hindu society (ibid.). In October 1995, with the 1996 general elections just months away, the VHP organized a rally at Deeksha Bhoomi--the site in Nagpur where Dr. Ambedkar and his followers embraced Buddhism--to "express their reverence for Ambedkar" (ibid.). Earlier, in the '80s, the VHP invited a former untouchable to lay the foundation stone for the construction of the Ram temple in Ayodhya.

The most startling development, however, is that the VHP and RSS have organized mass feasts for the dalits. When untouchability was at its peak, the upper castes considered even the shadow of an untouchable a source of pollution. Such beliefs still exist in the rural hinterlands of India. In the backdrop of such a depressing scenario, the mass feasts, known as 'Ram *Khichdi* Programme' (*Khichdi* is roughly equivalent to porridge), might seem to be a positive step. But the rank and file of the VHP and RSS are not enthusiastic about inter-dining and can barely conceal their contempt for the lower castes (*Frontline*, November 17, 1995:28). The leadership, however, feels compelled to do what, till recently, was unthinkable, mainly because it fears that the lower castes might desert Hinduism and convert to Buddhism, Islam or Christianity. The other factor is that the dalits who traditionally supported the Congress now have withdrawn their support because the Congress reneged on its promise to improve their conditions in exchange for their electoral support. An intense competition is on now among the various political parties to secure the loyalty of the dalits. The Bahujan Samaj Party (BSP) led by Kanshi Ram, a former untouchable, has succeeded, to some extent, in getting their support. The BJP and its allies also hope to lure the dalits through symbolic gestures like the mass feasts.

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[95] The conciliatory attitude of the Hindu nationalists is less than genuine. While some leaders like Singhal outwardly accept Dr. Ambedkar, simultaneously, other ideologues of the BJP belittle his achievements. A case in point is a recent book by Arun Shourie (1997), a leading ideologue of the Hindu nationalists. In his Worshipping False Gods, Shourie has trenchantly criticized Dr. Ambedkar and repudiated his contribution to the framing of the Indian Constitution. Similarly, the RSS also has a dual policy toward the dalits. While making symbolic efforts to cultivate them, it also demands an end to caste based affirmative action programmes and threatens to launch agitations if its demand is not fulfilled. For details, see the press statement of the RSS Chief, Prof. Rajendra Singh in the *Indian Express*, October 22, 1996. Guru (1991) provides an analytical account of the Hindu nationalists attempts to co-opt Ambedkar within their fold.

Another disturbing trend pertains to hate crimes against the dalits. The cadres of the ruling Shiv Sena in Maharashtra have repeatedly desecrated the statues of Dr. Ambedkar (by adorning it with a garland of shoes or by smearing it with faecal matter) in a bid to insult the dalits. In July 1997, members of the Sena tarnished an icon of Ambedkar near a slum in Bombay. When enraged dalits protested, the police opened fire killing ten people. In April 1998, a similar incident took place in Nagpur (*Times of India*, April 28, 1998).

The aborigines are another constituency that the Hindu nationalists wish to capture. Neglected for centuries, the tribals have not gained much from fifty years of development in India. Since the colonial period, the only people who cared for them were the Christian missionaries. Though the evangelists tried to colonize their souls through conversions, the tribals welcomed them because they had nothing else to fall back on. But once the Christians succeeded in their social and educational programs and converted thousands of tribals, Hindu nationalists awoke to the 'dangers' of proselytization. Since the '80s, they have focussed their energies on winning over the tribals and preventing them from becoming Christians. The VHP has employed a variety of strategies to achieve its goals, including those involving coercion and inducements.

The RSS runs the Akhil Bharatiya Vanvasi Kalyan Ashram (All India Tribal Welfare Association) with the intention of endearing itself to the tribals through community development projects. The Ashram has its branches in 26,768 villages spread across all provinces with tribal population (*Outlook*, April 27, 1998). It undertakes welfarish programmes like organizing medical camps, blood donation programmes, and the like. Besides, under the 'Students Experience in Inter State Living' programme, the Ashram brings tribal youth from remote areas (particularly the north east) and enables them to stay with the families of its activists in big cities like Bombay and Delhi so that they are exposed to the 'Hindu' ethos and culture.

THE 'HOMECOMING' OF THE TRIBALS

To lure the converted tribals to return to the Hindu fold, the BJP offers several types of inducements including mass feasts, free clothes, and sundry gifts. It organizes reconversion rallies called '*Ghar Vapasi*' (home coming). The process of reconversion involves a ritual bath accompanied by the chanting of holy verses in Sanskrit. Then, the tribals are asked to don their new clothes and swear on a Hindu holy book (usually the Bhagavad Gita) their allegiance to Hinduism. Taking a leaf from the missionaries' strategy, Hindu activists follow up the 'home coming' with regular sessions on popular aspects of Hinduism, its rituals, epics and traditions. Lately, the BJP has been quite active in reconverting tribals through a combination of force and allurements. Fearing that its inducements might not attract all tribals, it recently tabled an amendment to the Constitution that would make tribals who convert to Christianity ineligible for the benefits of the affirmative action programmes designed for their upliftment. In any case, though exact figures are not available, according to newspaper reports, VHP activists claim that so far over 61,000 tribals have been brought back to the Hindu community (*The Telegraph*, August 19, 1996).

The reconversion of tribals presents an interesting facet of the emerging neo-Brahmanical Hinduism. The basic issue is that the VHP is trying to 'reconvert' people who were not Hindus in the first place. The religious beliefs and practices of the tribals are as far removed from Hinduism as those of Hinduism and Islam. Their religion has evolved from centuries of tribal customs, beliefs and practices and seems to be an admixture of animism and an Indian version of Shamanism. They convert to Christianity because the local church and its authorities care for them and tend to their needs to a limited extent.

If, however, for the sake of argument, one concedes that the tribals were originally Hindus, then the question is, does Hinduism sanction reconversions? Does it prescribe any rituals for doing so? The simple answer is that no discussion exists in the scriptural and canonical corpus of Hinduism regarding reconverting apostates. In fact, Brahmanical Hinduism, being an excessively exclusionary faith, does not welcome those who have volitionally abandoned it. Therefore, the question of prescribing a ritual for 'home coming' does not arise. Nevertheless, Brahmanical ingenuity has discovered a way of re-admitting the errant members of its flock. In the late 19th century, Arya Samaj, a Hindu revivalist organization founded by Swami Dayananda, introduced an innovative ritual called '*suddhi*' (purification) to arrest the depleting strength of the Hindu community. Jordens argues that the Arya Samaj rediscovered the *Devala Smriti* (a canonical work) and later the *Vratyastoma* rites (supposedly mentioned in the Atharva Veda) for readmitting those who had fallen out of the 'Aryan' society (1978:170 and 322). All of this suggests that reconversion does not enjoy any religious sanctity.

What, then, is the real significance of the drive to change peoples' faith? The VHP's forcible 'home coming' means no more to the tribals than the trinkets and petty gifts they receive for agreeing to 'come home.' Thus, when the VHP describes its 'reconversion' as a 'renaissance of conscience' (*The Telegraph*, August 19, 1996), it is only partly correct because the so-called 'renaissance' takes place not so much in the conscience of the tribals as in that of the VHP and BJP leaders. The latter have reasons to feel elated because with each reconversion rally, they augment the numbers of the local Hindu population that will redound to the benefit of its electoral candidates. Plainly stated, reconversions are little else than a game of numbers. It is a political act masquerading in the garb of faith.

VIOLENCE AND INTIMIDATION AGAINST THE CRITICS OF HINDUTVA

By doctoring history and cultivating the lower castes through politico-religious gimmicks, the BJP and its allies have secured the allegiance of the vast majority of the 'Hindu' community. Fortunately, a creative minority comprising the intelligentsia, writers, artists, journalists, and musicians have exhibited the courage to resist the juggernaut of Hindu nationalism. Writers and artistes have carried on a relentless campaign to expose the dangers inherent in cultural nationalism for a pluralist society like India. They have agitated to prevent atrocities against the minorities. Largely due to their efforts, however notional, secularism is still a part of the Indian polity. Naturally, the dissenters have become the target of the BJP and VHP's ire. Since the Ram temple movement started, Hindu nationalists have responded to criticisms with violence and intimidation.

In addition to critics, the artists, painters, and musicians who do not subscribe to the BJP's notion of culture also have had to pay a heavy price. Vandals of the VHP and the Bajrang Dal, an ultra Hindu outfit in Utter Pradesh, destroyed the paintings of the internationally acclaimed painter, M. F. Hussain, in October 1996 because he had painted Saraswati--the Hindu Goddess of Learning--in the nude (*Times of India*, October 11, 1996). Interestingly, though the police knew that Hindu activists had threatened to attack the Herwitz Gallery in Ahmedabad where Hussain's painting were exhibited, they did not provide adequate protection. VHP and Shiv Sena members also threatened Hussain with death if he did not apologize for the paintings. The controversy seemed to have subsided after Hussain expressed his regrets. But recently, Jatin Das, another noted painter, had to face the wrath of a VHP mob in Delhi when he tried to defend another painting of Hussain, this one depicting Sita-- the consort of Lord Ram in the epic *Ramayana*--in the nude (*Deccan Herald*, February 23, 1998).

Writers and artists who criticized the Shiv Sena for fomenting the anti-Muslim riots in Bombay after the 1992 Ayodhya demolition have not been spared, either. While the riots were raging in the city, hoodlums of the Sena tried to attack the eminent *tabla* (a percussion instrument) virtuoso Ustad Allah Rakha at his residence in Bombay. Hindu neighbours of the maestro were outraged and came to his rescue (*The Independent*, February 8, 1993). Similarly, writers O. V. Vijayan, Sukumar Azhikode and others have also received death threats, hate mail, and obscene calls from Hindu nationalists because of their outspoken views and support for the minorities (ibid.).

While artistes and writers have expressed their concerns over the extra-constitutional censorship imposed by the BJP, Shiv Sena and their allies, the perception of the Hindu nationalists is somewhat different. The BJP justifies its intolerance of artistic freedom by citing the Rushdie episode. Its rationale is that if Muslims do not tolerate any disrespect toward their Prophet, religion, and, culture, why should Hindus do so? The BJP drums up support for its intolerant and authoritarian ways by arguing that Hindus must no longer be 'effeminate'; they should show their 'manliness' by disciplining their affronters.

The other argument is that Hindu nationalists are the standard bearers of Indian/Hindu culture and therefore cannot allow its degradation. In 1996, the BJP launched an agitation against the staging of the Miss World Beauty pageant in Bangalore on the ground that the commercialization and exploitation of the female form is against Hindu culture. What is not recognized is that though the BJP claims to be concerned about the sanctity of its culture and heritage, it still champions a free market, *laissez faire* economic agenda that will inevitably lead to the commodification of all sectors of life and produce aberrations like the beauty pageant. Nevertheless, such considerations are not important to the supporters of the BJP. The only conclusion one can draw is that, at least for now, the BJP has succeeded in privileging the right to define culture and identify its enemies. Not surprisingly, vast segments of the civil society view its extra-constitutional sanctions as necessary actions against fifth columnists trying to subvert Hinduism and the Hindu community.

WHY IS THE BJP'S DISCOURSE ON SECULARISM SO POPULAR?

In spite of the inherent weaknesses of their ideology, Hindu nationalists have been successful in mobilizing support for their campaign against secularism. Also, they have thrived on the Ayodhya movement and won handsomely in the parliamentary polls. Evidently, the question, then, is why did the masses buy the VHP-BJP argument? In fact, from the narrative so far, one might get the sense that the people who support the BJP and the Ram temple movement are passive actors, manipulated by the Hindu leadership. If this notion of elite manipulation seems overly deterministic, so does the argument that the popular tide in favour of Hindu nationalism reflects the resurgence of a religious fervour at the mass level. Attributing primacy to any one set of causes limits its explanatory potential. Thus, while it is important to refrain from underscoring non-existent motives for popular support, one must be careful not to lose sight of certain enabling factors that have helped Hindu nationalism.

First, the discourse of Hindutva is profoundly anti-state. It gives voice to the popular outrage against the corruption, turpitude, and debasement of public life and links it with the absence of a spiritual basis in Indian politics. The argument is that the state is degenerate and uncaring because it is not imbued with the edifying values of Hinduism. The BJP has projected secularism as an ungodly doctrine responsible for diminution of ethical values in politics. An index of its success is the popular acquiescence in its acts of violence and hatred.

The second reason why the logic of Hindutva has caught the public imagination (predominantly among the middle and lower classes and virtually all subaltern caste groups) is that it is being propagated, among others, by god-men and gurus, people associated with renunciation, self-denial, and ethical values. For centuries, Brahmanical Hinduism has glorified values such as asceticism, submission to authority, self-abnegation, and voluntary poverty to offset the subversive potential of the subaltern castes and classes. Therefore, a profound sense of reverence exists among the poor for gurus and god-men. In the Brahmanical tradition, the renunciant enjoys a higher moral stature and greater legitimacy than a householder. Contrary to popular perception, however, renunciation is not just a disinterested withdrawal from social life--it is a profoundly political act. In the Indian tradition, the renunciant has always enjoyed the privilege of a dissenter and/or a status legitimizer (Thapar, 1978). As in the past, present day Hindu god-men use their legitimacy and auras to serve the interests of the propertied castes and classes. In fact, god-men and the leaders of the Hindu nationalist movement have a neatly worked out symbiotic relationship. Hindu nationalism provides the former with a much needed ideology to resuscitate their moribund status and fortunes from the ravages of incipient modernization. The latter employ god-men to canalise popular dissent against the government along lines that emphasize the salience of asserting one's religious identity.

Lastly, the debate on secularism is unfolding in the background of a menacing type of capitalist development in India, details of which I shall mention in the subsequent chapters. Capitalism has entered a fiercely competitive phase and brought to fore new kinds of entrepreneurs, variously known as 'predatory' capitalists or 'cannibal' capitalists. In the emerging scenario, one can only be a predator or a prey.

The state has not only abdicated its welfare related responsibilities[96] but is also encouraging predatory capitalism in the name of privatization, liberalization, and globalization. Its consequences are twofold. On the one hand, the upper caste/middle and upper middle classes have benefitted immensely from the so-called economic reforms and the opening up of the economy. Estimates of the emergent and prosperous middle class ranges from 180 million to 250 million people. Preoccupation with identity is a typical characteristic of the middle class, as the European experience with fascism and Nazism prove. The Indian middle class is no exception. Its members constitute the bed-rock of the Hindu nationalist movement, reflecting their desire to consolidate for themselves a strong identity. On the other hand, economic liberalization has also led to the steady marginalization and disempowerment of the lower middle and lower classes and castes. To such people, economic liberalization means little as they do not have the equipment, training, and abilities to explore the opportunities available in some sectors of the economy. The rapid social changes taking place in the wake of the economic reforms fills them with an abiding sense of insecurity and anxiety. The apparently moral argument of Hindu nationalism appeals to them because it has an empowering quality, however ersatz it might be. By promising a regime of rectitude and stability, it creates the illusion of emancipation from the morass of stagnation, corruption, violence, and so on. Little wonder, then, that Hindu nationalists have become strong enough to be able to form a federal government.

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[96] For a critique of the welfare ideology of the Indian state, see Jayal, 1994.

CHAPTER 6

THE SECULAR TRACK RECORD OF THE INDIAN STATE

THE NEHRU - SHASTRI YEARS 1947-66

A striking feature of the on-going debate on secularism is the reluctance of scholars and secularists to assess the secular track records of successive governments that have ruled India since independence. The BJP's discourse on secularism has garnered far greater scholarly attention than the actual practice of secularism. In the last fifty years, the Congress was in power for all but nearly five years. Its actions or lack thereof have had a profound impact on the practice of secularism and its institutionalization in civil society. Similarly, though in office for brief periods, the seven non-Congress coalitions that ruled for the remaining nearly five years, also influenced the course of secularism. Except for the BJP and its allies--currently in office, aside from an earlier thirteen day stint in 1996--all the other parties proclaimed their faith in secularism and interpreted it as 'equal respect for all religions.'

Strictly speaking, therefore, India has had the good fortune of being ruled by governments committed, minimally, to the well-being of all religious communities. And yet, in the last fifty years, sectarian strife and communal hatred have escalated to disturbing levels. The rising crescendo against secularism, far from being an adventitious phenomenon, acquired strength gradually over the years. It can be no one's case that parties that wielded power can be totally exculpated for their acts of omission and commission in bringing matters to such a grim pass. Curiously, however, a near total consensus seems to exist among academics and activists that the Congress and other centrist coalitions are axiomatically secular and the BJP and its partners are communal. Consequently, they prefer a non-BJP coalition in power in the hope that it will protect and promote secularism. Such a rigid dichotomy between the secular non-BJP parties versus the communal or quasi-fascist BJP and its allies is possible only when one ignores the track record of these parties in implementing secularism and goes exclusively by their political rhetoric. Besides, it is not quite helpful in understanding why secularism is under siege, from what quarters, and, what measures should be undertaken to strengthen inter-communal amity. Of course, like any sweeping generalization, the notion that except the BJP and its allies, all other parties are secular, has a grain of truth, inasmuch as they do not openly demand a Hindu state. But, that can hardly justify the use of stereotypes.

The litmus test of a party's commitment to secularism ought to be how it fosters and upholds the secular ethos both while in office and out of it. Judging by this criterion, one finds that regardless of their divergent politics, all political parties, except the communists, have practised and promoted secularism in a perfunctory manner. In this chapter, I wish to examine the extent to which successive governments have pursued secularism and assess their relative accomplishments and failures. This exercise should give us a clear picture who the true champions of secularism are and how dedicated they are to its entrenchment in the socio-political culture of India.

NEHRU'S SECULAR OUTLOOK

Other than the BJP and the RSS, across the political spectrum, Jawaharlal Nehru is acclaimed as the tallest secularist India has produced so far. Even detractors of his socialist policies, protectionist economic agenda, and non-aligned foreign policy aver that his secularism was not driven entirely by his politics but was a genuine article of faith.

Nerhu did not approve of the mixing of religion and politics and often clashed with Gandhi over the latter's use of religious motifs, concepts and metaphors for mass mobilization. He had a syncretic vision of Indian culture and keenly appreciated the Islamic contributions to India's heritage. A lover of both Urdu and Sanskrit, Nehru was a connoisseur of a variety of art forms that sprang from India's variegated cultural landscape. In sum, Nehru was the quintessential secularist that India needed during the most crucial phase of its history.

There can be little doubt that Nehru was a visionary and a statesman, far ahead of his times. His aristocratic upbringing, the feudal and conservative milieu in which he operated, and, the pronounced Hindu bias of the Congress under Gandhi--all of these could not eclipse his progressive outlook. And yet, in what is often interpreted as the overarching influence of his historical context, Nehru was also a child of his epoch. Nothing illustrates the pervasive effect of the reigning intellectual ideas on Nehru's thinking more than his understanding of Hinduism and secularism. Unlike Gandhi, who detested untouchability and still upheld the significance of *varnashrama* dharma (social stratification on the basis of caste), Nehru was acutely aware of its blighting consequences for the lower castes. Nevertheless, this awareness did not alert him to question the majoritarian claims of tolerance and non-violence for Hinduism. On the contrary, he reiterated the myth of Hindu tolerance and thereby, unwittingly perhaps, strengthened the Hindutva notion that India is secular because Hinduism is tolerant.

Thus, in a foreword to a book on secularism, Nehru explicates his understanding of the concept as follows:

> What it means is that it is a state which honours all faiths equally and gives them equal opportunities; that, as a state, it does not allow itself to be attached to one faith or religion, which then becomes the state religion. Where the great majority of people in a state belong to one religion, this fact alone may colour, to some extent, the cultural climate of that state. But nevertheless the state, as a state, can remain independent of any particular religion. In a sense, this is a more or less modern conception. India has a long history of religious tolerance. That is one aspect of a secular state, but it is not the whole of it. In a country like India, which has many faiths and religions, no real nationalism can be built up except on the basis of secularity *(sic)* (Gopal, 1983:330).

Though he conceived of a secular basis for Indian nationalism, since it was juxtaposed with untenable claims of India's 'history of religious tolerance,' his secularism could not but be limited. It could be argued that by reiterating the myth of 'religious tolerance,' Nehru was trying to remould Hindu tradition and make it more consonant with the task of nation-building. Though there is some merit in this point, it is also true that he, may be unwittingly, conferred legitimacy on the Hindu nationalist discourse on India's past. Perhaps, it did not occur to him that a culture that sanctions the caste system and untouchability could not have been tolerant and is unlikely to treat all faiths with equal respect. Or, he did not wish to alienate the Hindu elites in the Congress who could have joined hands to unseat him from the leadership of the party. In any case, while conceding that the religion of the majority might 'colour the cultural climate of the state,' he still reposed his faith in the 'equal respect for all religions' thesis. This faith suggests that, though he was well read and radical, Nehru still had internalized the orientalist construction of Hinduism and accepted its Brahmanic underpinnings even when contradictory evidence assailed his thinking (Omvedt, 1995:15).

Part of the reason why Nehru did not attach much significance to the atavistic tendencies and warts of institutionalized Hinduism like casteism, communalism, and revivalism was because he saw them as relics of a feudal past that would be wiped off as India marched toward progress. Besides, to him, they were also the epiphenomena of British imperialism in India. In a manner reminiscent of Marx's thesis on the evanescence of the caste system with the onset of modernization, he too believed that industrialization and mass education were the solvents of undesirable Hindu accretions. Evidently, Nehru was greatly influenced by the modernization thesis which was reigning supreme during the early '50s.

As an antidote against India's backwardness, his fascination with modernization was understandable. What is intriguing is that Nehru did not see Brahmanical Hinduism as the fountain source of an iniquitous ideology. Convinced that modernization and secularisation would obliterate the flaws of Hinduism, he based some state policies on its tenets. This trend of viewing Hinduism as an innately pristine religion with temporary aberrant features has intensified in recent years. Quite often, for example, scholars and activists take a strong position against Hindutva while being soft on Hinduism, thereby reifying a distinction that is hard to justify. Furthermore, as Omvedt rightly points out, contemporary leftist scholarship also disregards the salience of Brahmanical Hinduism and the caste system that constitutes its iron frame (1995:3). No analysis of Brahmanical Hinduism can fail to recognize the absolute centrality of a crippling exclusionary strain in it. As important it is to appreciate that such ineglitarianism is not a fortuitous occurrence but part of a systematically developed and well-entrenched ideology.

By affirming that secularism is 'equal respect for all religions,' Nehru acquiesced in the hegemonic appropriation of a liberating concept. It might seem intellectually unproductive and unfair to hold Nehru responsible for certain choices, with the benefit of hindsight. Still, even a cursory acquaintance with the intellectual climate of the colonial period, particularly the late 19th and the early part of this century, should make it clear that since the entire period was marked by intense ideological churning, Nehru could have exercised the more prudent option of defining secularism in non-majoritarian terms.

THE INTELLECTUAL CLIMATE IN EARLY 20TH CENTURY

Two important ideological positions were vying for supremacy during the early part of this century till 1947. First, the Brahmin elites were involved in the construction of a pan-Indian, hegemonic Hinduism, to mobilize the masses in the anti-imperialist struggle. Swami Dayanand Saraswati (1827-1883), Lokamanya Tilak (1856-1920), and Vinayak Savarkar (1883-1966) all gave a political edge to Hinduism and emphasized the importance of a militant Hindu identity. Through their writings they provided the ideological framework for constructing a Hindu identity. Thus, Tilak sought to inculcate pride among the Hindus by harping on the Aryan background of the upper castes. We have noted that he also started several mass celebrations like the Ganesh festival, Shivaji festival and the like, to institutionalize an all-embracing Hindu identity. Similarly, as we saw in the last chapter, Dayananda Saraswati founded the revivalist Arya Samaj movement and preached the notion that Hindus are a pure, noble, Aryan community. Through conversions and the *suddhi* (purification) ritual, he tried to augment the depleting strength of the Hindu community. Savarkar, of course, provided the overarching ideological edifice for Hindu nationalism and gave a call to 'militarise Hindudom.' Mainstream and official historiography celebrates these men as patriots and social reformers and acclaims their politics.

Second, around the same time, the subaltern castes were also carrying on a struggle against Brahmanical Hinduism on the basis of a cogent critique of its elitist, patriarchal assumptions and exploitative practices. Subaltern and dalit ideologues like Jotiba Phule (1826-1890), Dr. Ambedkar (1891-1956), and, Periyar Ramasami Naicker (1879-1973) created a radical upsurge among the lower castes through their seminal criticism of Hinduism. Aside from these well known names, there were other, lesser known activists who worked at the provincial level and spread their ideas through vernacular languages.[1] By the 1920s, several provinces of India witnessed dalit and subaltern movements against Brahmanical superiority (Omvedt, 1995:34). Variously known as the Ad-Dharm movement in Punjab, Adi-Hindu movement in U.P. and Hyderabad, Adi-Andhra and Adi-Karnatak movements in Andhra Pradesh and Karnataka respectively, and, the Self-Respect League in Tamil Nadu, all of them turned the Aryan race theory on its head and portrayed the upper castes, who claimed to be descendants of Aryans, as aggressors and imperialists (ibid.). They argued that since the dalits and lower castes were the original inhabitants of India, the upper castes must make room for them to assume the leadership of the country. Besides, they were highly critical of the meaningless rituals, myths and customs of mainstream Hinduism, and revolted against feudal practices masquerading as religion.

The Congress and the Hindu nationalists initially ignored such grassroots movements. But, as they gained popularity, the Congress tried to discredit the dalits arguing that they were being encouraged by the British to create a rift among Hindus. Later, it co-opted some of the leaders of the movements.[2] In any case, neither the Congress nor the Hindu nationalists paid much attention to the subaltern critique of the caste system and the iniquities of Hinduism. Interestingly, socialists and communists also did not care much for the dalit movements because they considered the anti-imperialist struggle more important. In the absence of proper support, the effectiveness of the subaltern struggles was restricted. Currently, memories of those movements are confined to the lower castes as official chronicles of Indian history barely take note of them.

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[1] Prominent among the less known activists were Mangoo Ram in Punjab, Bhagyareddy Varma in Andhra Pradesh, Acchutananda (an untouchable ascetic) in Utter Pradesh and Kisan Bansode in Maharashtra. For a brief overview of their views and activities, see Omvedt, 1995, chapter 5. Also see Kshirasagar, 1994.

Notwithstanding their limitations, the dalit movements were significant because they created awareness at the grassroots level about the perils of accepting an overarching Hindu identity forged by their oppressors. In spite of their low levels of literacy and retarded socio-economic background, the lower castes had the sagacity to reject the ideological strategies of the twice-born castes. Nehru could have tapped the revolutionary potential of the dalit movements and nurtured their critique as a counter hegemonic ideology. As a first step in this direction, he could have insisted on defining secularism as a doctrine that basically ensures the rights of the minorities, i.e., not only the religious minorities outside Hinduism but even those forcibly included within its rubric. Instead of building on a groundswell of popular opinion against majoritarian interpretations, Nehru endorsed the latter by subscribing to the 'equal respect' doctrine.

Nehru's endorsement appears baffling because in the pre-independence period he had consistently championed minority rights. As Prof. S. Gopal, his biographer, points out, in 1923, as the Mayor of Allahabad, Nehru had prevailed upon the civic authorities not to prohibit the slaughter of cows as that would amount to capitulating to Hindu demands (1988:2463). Later, in 1933, at the Karachi session of the All India Congress Committee, he moved a resolution on fundamental rights in which, among other things, he demanded that the future Indian state should 'observe neutrality in regard to all religions' (ibid., pp.2465). In addition, Nehru's resolution incorporated the right to freedom of conscience and the right to follow any religion.

Another heartening aspect of Nehru's progressive politics was that he always maintained that the communalism of the majority community was more dangerous than that of the minorities because the former could pass off as nationalism. In other words, Nehru was acutely aware of the dangers of Hindu communalism and spoke freely against it. And yet, he did not widen the scope of Indian secularism to insulate the polity from majority communalism.

The composition and nature of the Congress also were not conducive to a well-defined position on secularism. It was (and continues to be, to a large extent) an omnibus body comprising a wide range of interests, constituents, and factions. A multi caste and class coalition, it accommodated a variety of interests in its bid to wrest control of the Indian state from the British imperialists. The success of the Congress can be attributed to its ability to negotiate contradictory interests and emerge as the sole institution of social order. In performing this role, it adopted several strategies, which included retaining the colonial trappings of power and administration in tact,[3] not disturbing the agrarian social order that was heavily loaded in favour of the landed aristocracy, and taking a conciliatory and compromising posture while dealing with dominant social groups and institutions such as the bureaucracy, the big bourgeoisie and so on. But its most imporant feature was adopting a vague, all inclusive, non-confrontational ideological position on major issues (Manor, 1990:29). Doing otherwise would have resulted in the alienation of interest groups within the Congress and would have destroyed the fragile and finely honed balance of power it had put in place.

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[2] O'Hanlon, Rosalind (1988) provides an interesting account of how the Congress co-opted the non-Brahmin radicals in Maharashtra.

Beneath the facade of ideological amorphousness, however, the Congress always took care to further the interests of its upper caste/class constituents. It also enticed the lower castes and the minorities with cosmetic reforms and rehabilitated their leaders through patronage positions. Thus, since high caste Hindus dominated the Congress and held important positions in it, they were anxious to ensure that while seeming to respect the religious and cultural sensibilities of the minorities, their Hindu agenda flourished. The 'equal respect' thesis provided a respectable cover for their hegemonic designs and provided the minorities the illusion that their interests were secure under the Congress banner of secularism.

THE POST PARTITION SCENARIO

After the partition, Nehru's Congress government had to deal with 35 million Muslims, scattered across the length and breadth of the country, who stayed back or could not move. The presence of a substantial Muslim population and of other religious minorities came in the way of declaring India a Hindu nation. But, at the same time, the Hindu elites, both in the Congress and in other parties, were outraged by the partition and seemed to be in no mood to pardon the 'treachery' of the Muslims. To make their predicament more acute, the Muslims who stayed back held the Congress to its pre-independence claims to treating them fairly if they remained in India.

Two factors complicated the situation. First, Hindus and Muslims did not live in distinct, neatly segregated areas for the partition to be a final solution to their squabbles. Second, the masses did not whole-heartedly approve the two-nation theory; it remained the demand and dream of the elites. For these reasons, the partition created more problems than it solved. After the partition, the dilemma of Pakistan paled into insignificance when compared to that of India. Pakistan did not have a large Hindu minority within its territories and, in any case, it had not made any tall claims about treating Hindus well. The Indian state found itself in the unenviable situation of having to reconcile the vengeful assertion of Hindu identity with its imperative to appear as a fair and neutral umpire between the warring Hindus and Muslims. To overcome what appeared to be a no-win situation, the state formally declared that it would adopt secularism and provide equal respect to all religions.

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[3] In the name of constitutional reforms, the British provided limited autonomy and tokenistic reforms under the Government of India Act of 1935. It did not meet the Congress expectations of self-rule, and contained provisions that undermined the 'national integrating functions of the Congress.' Hence, the party opposed it and demanded its abolition. Surprisingly, after independence, the same Congress borrowed as many as 250 clauses straight out of the Government of India Act, 1935, when it framed India's Constitution in 1950 (Washbrook, 1997:37). Prime Minister Indira Gandhi used one of the borrowed provisions pertaining to the declaration of Emergency in 1975, a statute originally conceived and framed by the British to control the 'natives.'

The question of national identity also cast a significant influence on the content of secularism . As nascent nations, both India and Pakistan were understandably obsessed with their identity. They both wished to routinize a certain ethos in keeping with their respective perception of themselves and their civilizations. So, the urgency of defining the nation and the national character was paramount. This task was being carried out in the aftermath of the communal holocaust that accompanied the partition. The sub-continent had not fully recovered from its devastating consequences. According to varying estimates, between 250,000 to a million people died in the riots and about 15 million people migrated between India and Pakistan, becoming homeless overnight (Varshney, 1993:24). Further, roughly 33,000 Hindu and Sikh women were abducted in Pakistan and about 21,000 Muslim women were kidnapped in India (Butalia, 1995:63). Thousands of others were raped and maimed.

The communal clashes took a heavy toll of the limited resources of the new governments. After centuries of colonial rule, the independent states of India and Pakistan did not have the wherewithal, personnel, and finances to contain the tidal wave of communal hatred that swept India and Pakistan. To exacerbate matters, the colossal loss of lives and property and the psychological wounds of the partition riots considerably distorted the perspectives of both communities. In India, the Hindu elites interpreted the riots and the partition as signs of Muslim recalcitrance. They were also severe blows to Hindu hegemony and self-pride. Therefore, it was not surprising that they wished to reassert themselves to stave off further challenges to their supremacy.

The clinching evidence of Hindu belligerence comes from the martyrdom of Gandhi at the hands of a Hindu assassin, Nathuram Godse. On January 30, 1948, Godse, an active member of the Hindu Mahasabha who earlier quit the RSS because he felt that it was not radical enough in fighting for a Hindu nation, assassinated Gandhi soon after his prayer meeting in Delhi. He was annoyed with Gandhi for what he considered were his pro-Muslim biases.[4] The immediate provocation was Gandhi's insistence that the Indian government should pay the Rs. 550 million that it owed to Pakistan under the terms of the partition agreement. Other than advocating much needed social reforms within Hinduism, Gandhi had not done anything to subvert its foundational principles. In fact, his struggles against untouchability and for allowing the lower castes to enter temples redounded to the benefit of the upper caste Hindus. By forcing Hindu institutions to be more open and inclusive, Gandhi enlarged the support base of the Hindu community. This enlarged support base was quite useful once universal adult franchise was introduced. In spite of his monumental contribution to the freedom movement--a project of the upper castes and classes aimed at freeing domestic capital from the clutches of metropolitan capital and commodities--once he outlived his utility, Hindus had little value for Gandhi's views on communal harmony. His martyrdom, it seems, served as a warning to those who championed the unpopular cause of the minorities.

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[4] Nathuram's brother Gopal Godse, who spent 18 years in prison for his role in plotting the assassination, wrote two books in Marathi titled *Gandhi Hatya ani Me* (Gandhi's Assassination and I) and *Panchavan Koticha Bali* (The Sacrifice of Rs. 550 million) are quite popular even now. The first book has seen 12 editions. Since it is politically incorrect to be seen as the patrons of Gandhi's killers, the RSS and the BJP have now distanced themselves from both Nathuram and Gopal Godse.

Did the fate of Gandhi dissuade Nehru from pushing a pro-minority perspective on secularism? Or, did he refrain because he felt that the time was not ripe for the acceptance of his views? Any verdict on these questions, inevitably, will have to remain conjectural, in the absence of conclusive evidence. What is indubitable is that enlightened though his ideas were, the Hindu elites were implacably opposed to Nehru's pre-independence views on secularism. In the face of overwhelming opposition, Nehru, perhaps, thought it prudent to go along with the majority opinion in the Congress.

What ever the reason, even if one agrees that the 'equal respect' thesis was itself an achievement for a community that had emerged battered and bruised by the partition and the riots, one question remains. Did the Nehru regime, at least, guarantee equal respect to all religions and religious minorities?

THE SECULAR TRACK RECORD OF PRIME MINISTER NEHRU: 1947-64

Nehru was at the helm of affairs for 17 years from 1947 to 1964. He led the Congress party to spectacular victories in three successive (1952, 1957 and 1962) general elections. During his Prime Ministership, Nehru's government enjoyed unprecedented popularity. Political instability of the kind that is endemic today was virtually unheard of during his time. The Congress was a robust, fairly democratic institution with provincial leaders enjoying considerable autonomy. Aside from the federal government, it was in power in almost all the provinces of India. Thus, the Congress had several advantages that successive regimes could only yearn for.

It would not be too far-fetched to think that though he inherited a state apparatus geared to ruling over a colony, Nehru also had the rare opportunity of being able to institutionalize a radically new ethos in independent India. True, one can argue that ushering in a new culture was not easy because the country was enervated from centuries of British imperialism. Also, expecting changes in the political culture and outlook without concomitant fundamental socio-economic transformation, indeed, is wishful thinking. In the light of such enabling and inhibiting circumstances, how did the Nehru regime acquit itself?

Judged in the backdrop of the acrimony generated by the partition, the Nehru era was quite benign toward the religious minorities. As we saw earlier, the Constituent Assembly enshrined several provisions in the Constitution to safeguard the cultural and educational rights of the minorities and guaranteed them the right to freedom of conscience, freedom of religious beliefs and practices and so on. Pandit Nehru took great pains to ensure that the minorities, particularly the Muslims who remained in India, did not feel discrimination. And yet, a consensus exists among historians and students of the Nehru era that, in some instances, he took what turned out be erroneous decisions.

When it assumed office, the nascent Nehru government had two urgent tasks on hand. First, it had to ensure that religious strife did not recur and that religion did not cast a baleful influence on civic issues. Second, the government had to provide strong, secular, democratic structures of governance that would fulfill the heightened aspirations of the masses. Crucial for both tasks was minimizing, if not completely eliminating, the role of religion in politics.

Nehru was acutely aware of the need to outlaw communal and fundamentalist parties. In 1948, he affirmed his government's resolve to act on a previous resolution of the Constituent Assembly demanding a ban on communal parties (Gopal, 1996:213). But he never made good his promise. Instead of tackling the roots of communalism, soon after the assassination of Gandhi, Nehru outlawed the RSS and incarcerated its leaders.[5] However, in just over a year, the RSS resumed its normal activities, when the government revoked the ban order. Later, in the early 60s, when communal riots erupted in different parts of the country, Nehru once again thought of prohibiting communal parties. Partly because of the legal difficulties involved, he did not pursue the matter to its logical end.

It is a moot point whether the statutory prohibition of communal parties would have reduced the salience of religious and sectarian identities for political mobilization. Experience shows that anything that is officially banned, whether a book, a film, or a political party, attracts popular attention. Why, then, did the Nehru government think of banning communal parties? Having decided to do so, why did it not pursue the matter vigorously and overcome the legal obstacles?

In the early years after independence, the Hindu Mahasabha, the Muslim League, and, the Akali Dal were the most prominent communal parties. They were numerically small and their influence was confined to upper caste/middle class groups, by and large. With their limited strength and resources, they were in no position to challenge the hegemonic position of the Congress. And yet, since they were ideologically driven and had committed cadres, the communal parties' potential to spread religious hatred was enormous--a fact proven by the assassination of Gandhi.

Nevertheless, the Nehru government was reluctant to take strong measures. Except for the knee-jerk response of outlawing the RSS briefly, after Gandhi's killing, it did little to check the rise of Hindu nationalism. In some ways, the government seemed to be in an unenviable situation. On the one hand, it was understandably reluctant to confer martyrdom on communal parties by banning them permanently. On the other, it faced legal hurdles in outlawing a party that promoted Hindutva but claimed that it was not a religion but 'a way of life,' and the 'national culture' of India.

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[5] Nehru ordered a crackdown on the RSS cadres and banned the organization. Around 20, 000 RSS volunteers were locked in prisons for trying to defy the ban. The government lifted the ban on July 11, 1949, after the leaders of the RSS agreed to abide by a written constitution and convert the body into a legitimate institution.

Evidently, then, the only option before the Congress was to expose the majoritarian agenda of Hindutva by challenging it in the political arena. However, for a variety of reasons, not the least of which was the fear of alienating the Hindu majority, the government did not go beyond the temporary banning option. When it hit a legal snag, it did not use the opportunity to amend the laws to prohibit the abuse of religious identity for political purposes--a step that would have greatly enhanced the inchoate secular tradition. It refrained from taking this step because little unanimity existed within the Congress about tackling the communal question head-on. Except for progressive leaders like Nehru and some of his like-minded colleagues, the majority of the Congress elites had a sneaking admiration for the RSS and its ideology (Graham, 1993:18-21). Interestingly, the Congress also was willing to acquiesce in Muslim communalism. Soon I will examine why the Congress was averse to engaging in a political struggle against the forces of communalism. Before that, I wish to point out how the absence of a coherent policy on secularism led to aberrations in its practice. In the interest of brevity, I shall restrict myself to the major initiatives of the Nehru era to assess its commitment to secularism.

NEHRU AND THE UNIFORM CIVIL CODE

After independence, one of the earliest initiatives of the Congress government concerned the reform of Hindu canonical laws. We have seen that, in the face of severe opposition, the government managed to intervene in Hindu personal laws and bring about some salutary changes such as the imposition of monogamy for Hindu men and the grant of the right to divorce and inheritance for Hindu women. When the Parliament debated the controversial Hindu Code Bill, there was a chorus of demand to legislate a uniform civil code (UCC) for all of India (Som, 1994:174). The selective intervention in the Hindu personal law agitated Hindu members who wanted the government to repeal the iniquitous Shariat or, at least, legislate reforms (ibid.). It provided room for activating fears that the secular Congress government was anti-Hindu, that it was indulging in 'minorityism.' Notwithstanding the political overtones in the Hindu demand, at one level, its logic was unassailable. Without question, the Shariat was undesirable in several respects like allowing polygamy, the summary divorce of wives through triple *talaq*, and, not providing for the maintenance of divorced women.

Nevertheless, defying the Hindu demand, the Congress government did not intervene in the Muslim personal law. Nehru was personally opposed to any government initiative to reform or replace the Shariat because he wanted to 'win the confidence of the Muslim community' (Gopal, 1996:214). His reluctance stemmed from the fear that the Muslims would construe any intervention as an authoritarian measure being imposed by the Hindu majority (ibid.). Instead, he felt that Hindus must lead through example by reforming the Hindu code. Eventually, he thought, the reforms could be extended to the Muslim community. Nehru favoured a gradual approach as he felt that the uniform civil code would be widely adopted only when the initiative for its promulgation came from the Muslims. And, he knew that they were not ready, both intellectually and emotionally, to accept changes to their personal laws. In the final analysis, Nehru was cautious since he knew that a high-handed approach might further alienate Muslims and make them feel like second class citizens.

Enough grounds exist to question the necessity for caution on the part of Nehru. In 1948, the Constituent Assembly had passed a resolution that explicitly rejected the Muslim contention that the Shariat and Islam are inseparable and that reforming the former would tantamount to contravening the right to freedom of religion (Gopal, 1996:214). Based on this rejection, the framers of the Constitution had enshrined Article 44 in the Directive Principles of State Policy requiring the state to promulgate a UCC for all its citizens throughout India. The significance of the resolution was that it aimed at promoting equality before the law by repudiating the claims of religion in civic and secular matters. It provided the groundwork on which Nehru could have built the edifice of secularism. But, he chose not to. If, as Nehru argued, in the early 50s, the Muslims were not psychologically prepared to accept a UCC, then at least five or ten years later, the Congress government could have tried to introduce a common civil code. Or, they could have initiated the process of reforms within the framework of the Shariat and thereby laid down a precedent for successive governments to work on. However, if the Congress felt that none of these steps were feasible, then at least it could have worked toward creating the appropriate socio-economic conditions that increased Muslim self-confidence and prepared them to accept the UCC.

Few can deny that though Nehru's concerns were genuine, he still had several fruitful options that he could have pursued. It may well be that he suspected that Hindu chauvinists within and outside the Congress were keen on using the ruse of the UCC for effacing the distinct identity of the religious minorities.

Indeed, as we have seen, the Hindu nationalist version of the UCC explicitly seeks to assimilate the minorities within the Hindu mainstream. But that precisely is why Nehru could have creatively utilised the UCC to lay down fair and equitable laws for all communities. Through the UCC, he could have ensured that the minorities have an enabling legal framework to come into their own. Unfortunately, other than expressing his misgivings about the premature promulgation of the UCC and stating that the minorities must volitionally opt for it, Nehru did virtually nothing to empower them. The net result was that the so-called religious sensibilities of the minorities remained in tact but their self-esteem and social conditions did not improve at all. In fact, the Nehru regime's inaction created a situation in which the minorities, particularly the Muslims, clung to the most anti-diluvian aspects of their religious traditions in the fear that letting them go would erode their freedom of religion.

Instead of exclusively reforming Hindu personal laws, the government could have legislated a comprehensive UCC, thereby replacing, in one stroke, all personal laws. Such a move would have not only ensured a uniform set of laws based on modern notions of equity and gender justice, but also considerably minimized the role of religion in socio-political matters. Besides, it would have laid the firm foundation of secular citizenship and strengthened the civic identity of all Indians as Indians. The greatest achievement, of course, would have been the removal, once and for all, of a constant source of irritation and ill-will between Hindus and the minorities regarding personal laws.

NEHRU'S ACQUIESCENCE IN BANNING COW SLAUGHTER

The Nehru government exposed its perfunctory attitude toward secularism when it bowed to pressures from conservative Hindu forces and enshrined in the Directive Principles that the state shall endeavour to prohibit the slaughter of cows and calves (Article 48). We have seen that even before independence, Nehru was opposed to prohibiting the slaughter of cows because he knew that Hindu revivalists were exploiting the issue to precipitate the mobilization of the Hindu community.[6] They elevated the cow as an icon of Hindu divinity and held it up as a symbol of reverence and sacredness. But Pandit Nehru expressed himself against arbitrarily raising one animal to a divine status while neglecting others. He is once reported to have said that he respects the cow as much as he respects the horse and that the welfare of animals in general was more important than concern for a particular animal. Nehru also categorically turned down President Rajendra Prasad's suggestion in 1947 that as a symbolic token of India's independence, the slaughter of cows should be prohibited throughout the country (Gopal, 1996:214). But, on this question, as on several others, Nehru was clearly in a minority within the Congress. In the Constituent Assembly, members belonging to virtually all the major parties were in favour of outlawing the slaughter of cows. However, following opposition from Nehru, Gandhi and others, they relented after it was enshrined in the Directive Principles. Once banning cow slaughter was accepted in principle, the Congress led governments in Utter Pradesh (UP), Bihar, Madhya Pradesh and Rajashthan enacted laws to that effect (Hasan, 1988:2469).

Also, because Article 48 is on the statute books, from time to time, Hindu nationalists have revived the matter and launched agitations. Like the UCC debate, the protection of cows is high on the agenda of the BJP and in its 1996 election manifesto, the party promised to prohibit the slaughter of cows and provide tax exemption to institutions involved in their protection (*BJP Election Manifesto*, 1996:48). Clearly, then, it was a grave error to even vaguely commit the state to ban the killing of cows. If, at the time of drafting the Constitution, the Congress had taken a firm stance on cow slaughter, then, aside from invigorating secularism, it would have obviated much bloodshed and ill-will.

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[6] For an interesting analysis of how Hindu revivalists exploited the cow protection movement to mobilize Hindus, see Pandey, 1990, chapter 5. Also see Yang, 1980.

THE NEGLECT OF URDU

Through its lackadaisical treatment of Urdu[7] and neglect of special programmes for improving the status of Muslims, the Congress once again demonstrated its fleeting commitment to secularism. After the creation of Pakistan, the educated elites among the Muslims moved to their new homeland leaving behind an intellectual vacuum in their community. The 35 million Muslims who stayed back were poor, illiterate and had hardly any skills. They were also grossly under represented in all institutions such as the bureaucracy, legislature, mass media, judiciary and so on. Seizing the vulnerability of the community, Hindu conservatives[8] of all hues demanded that a Sanskritised version of Hindi should be adopted, ideally throughout India, if not, at least in the northern provinces. Specifically, they wanted to dethrone Urdu from its official language status in Bihar and Utter Pradesh on the specious ground that it is the language of Muslims while Hindi belongs to Hindus. Hindu elites argued that Urdu, written in the Persian script, was an 'alien' language and so did not require official patronage. On the contrary, Hindi, written in the Devanagari script like Sanskrit, was the language of the masses and hence needed state support.

Such rigid compartmentalization was the very antithesis of the ground reality. Lay north Indians spoke and wrote Hindustani, a mixture of both Urdu and Hindi, reflecting the unsullied syncretic culture of India. And yet, the governments of Bihar and Utter Pradesh passed the Bihar Official Language Act, 1950, and the Utter Pradesh Official Language Act, 1951, providing official status to Hindi.[9] To soften the impact of its Hindu orientation, the Utter Pradesh government formed the UP Language Committee to address the grievances of Urdu speakers. However, the person appointed to chair the Committee, Acharya Kripalani, was a Congressman known for his hostility towards the minorities (Brass, 1974:205). The Committee held that the minorities did not have any special rights and that Hindi must be encouraged to promote unity and national integration (ibid.). It also advised them to 'refrain from being cantankerous' and assimilate within the national mainstream (quoted in Brass, ibid.).

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[7] Urdu is the sixth most spoken language of India and 28 million people all over the country use the language. Born in military cantonments during the early medieval period, Urdu is written in the Persian script and consists of semantic elements drawn from a variety of languages including Arabic, Persian, Hindi and a host of vernacular Indian languages. Structurally, it is almost indistinguishable from Hindi. During the Mughal period, Urdu received royal patronage and flourished. In the northern provinces of Utter Pradesh, Bihar, Delhi, Punjab and Kashmir, Hindus and Muslims alike used the language widely, till India attained independence. Thereafter, Hindu nationalists launched a movement to dethrone it from its pre-eminence on the ground that Urdu is the language of the Muslims while Hindi is that of the Hindus. In the past fifty years, gradually a Sanskritised version of Hindi has replaced Urdu at all levels. However, most Hindi films produced in Bombay still contain a lot of Urdu dialogues and lyrics which are popular among people belonging to both communities.

[8] Till very recently, the Hindu nationalist movement was committed to promoting 'Hindu, Hindi and Hindusthan.' Lately, the BJP's call for giving primacy to Hindi is somewhat muted because it wishes to endear itself to people in the southern provinces who are not enthusiastic about the language.

[9] For details of the debate and circumstances leading to the promulgation of these statutes, see Brass, 1974, chapter 4.

The champions of Hindi had a political agenda in demanding primacy for the language. They wanted to demolish the notion of composite Indian culture on the basis of which Muslims argued that Urdu was not exclusively their language, but was the common heritage of all Indians. By dichotomizing Hindi and Urdu along communal lines, Hindu conservatives wanted to polarize the two communities. They were bent on downgrading what they had isolated as the most visible symbol of Muslim cultural identity. Hindi propaganda was meant to be a statement about the unassailable supremacy of Hindus under the new dispensation. Besides, it was aimed at disenfranchising the entire Muslim community. When Urdu lost its status as an official language, Muslims, being conversant with only Urdu, were unable to compete for jobs in the provincial governments.[10] The new language policy of the Congress led provincial governments in Bihar and UP further pauperized them.

Another motivation of the Hindu elites was their anxiety to unite the diverse communities within a Hindi speaking, Hindu rubric. Hence, along with identifying Urdu with Muslims, the Brahmanical elites tried to absorb the rich linguistic traditions of north India within Hindi by declaring them as 'mere forms of Hindi' (Brass, 1974:184). Regional languages and dialects like Maithili, Bhojpuri, Awadhi and so on do share some structural and semantic features with Hindi, but they are also unique in several other respects. Maithili, for instance, has a robust literary tradition, inimitable idioms and usages that make it a unique language. Other languages now claimed as forms of Hindi are also, similarly, distinct and add to the opulence of India's cultural heritage. Most important, these languages embody the subtle sensibilities of their users that Sanskritized Hindi can never appreciate or even articulate. And yet, ignoring the special claims of vernacular languages, the Hindu elites lobbied for Hindi as the language of administration and the medium of instruction in schools.

Krishna Kumar provides an interesting analysis of the politics of Hindi chauvinism and argues that votaries of Hindi 'appropriated a mass language and, in the name of education and national development, turned it into a class dialect' (1993:537). The net result was that under the guise of seeking priority for Hindi, the peoples' language, Hindi enthusiasts succeeded in substituting not only the old Hindustani but also the entire Urdu/Islamic heritage. As the sole official language, Hindi obliterated 'the powerful spoken varieties ....including Awadhi, Bundeli, Chattisgarhi, Bhojpuri and several tribal languages in Central India' (Kumar, 1993:548). A more troubling consequence was that schools taught words of Urdu origin as 'foreign' expressions which created the impression among students that Muslims are 'foreigners' (ibid.).

Hindu traditionalists within the Congress and Hindu nationalists of the Hindu

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[10] Though the Utter Pradesh and Bihar language legislations made Hindi the official language, the provincial governments allowed people who knew only Urdu to use the language for official purposes. However, the popular mood was one of hostility toward Urdu and so, in reality, the so-called concession provided by the government was not of much benefit to the Muslims. They suffered from discrimination in their pursuit of government employment, education and the like.

Mahasabha and the RSS were involved in the campaign against Urdu. Congressmen Sampurnanand, C.B. Gupta, Acharya Kripalani and Gobind Ballabh Pant were seriously opposed to Urdu. In the face of stiff opposition from progressive sections of the party, they lobbied the UP government declared Hindi as the official language. Pandit Nehru, an ardent lover of Urdu, realized that the plea for preserving Urdu was essentially a demand for protecting the cultural rights of the Muslims. He, therefore, urged his colleagues to give special consideration to Urdu and not stifle it in the name of nationalist sentiments (Gopal, 1996:213; Hasan, 1988:2469). But Nehru did not persist with his demand and thereby seemed to acquiesce in the majoritarian biases of his party.

At both the federal and provincial levels, the majority of Congressmen had strong Hindu inclinations --a fact that troubled Nehru a great deal. They were sympathetic to the Hindu nationalists' demands and many had no qualms about voicing them openly within Congress fora (Graham, 1994:187). Sardar Vallabh bhai Patel, the Deputy Prime Minister and the second in command in Nehru's cabinet, was the leader of the Congress traditionalists and he did not empathize with Nehru's secularism. Patel was a quintessential traditionalist in that he believed in Orientalist Hinduism and its caste system and felt that India legitimately belonged to the Hindus. He wanted India to become a strong, centralized Hindu state. Given the diametrically opposite views of Nehru and Patel, their relations were naturally marked by frictions and mutual distrust.

It should come as no surprise that Patel saw virtues in both the Hindu Mahasabha and the RSS. Like the Hindu nationalists, he openly voiced his lack of faith in the loyalty of Muslims to India and told them that '(T)hose who were disloyal could not remain in India for the atmosphere would become too hot for them' (quoted in Graham, 1993:10). His ideological affinity with the Hindu nationalists prompted him to advocate that the Mahasabha should merge into the Congress and that members of the RSS must also be allowed to join the party (Graham, ibid.; Jaffrelot, 1996:86). Knowing that Nehru would oppose such an alliance, Patel got the Congress Working Committee to pass a resolution to this effect when the former was abroad for a short visit (Jaffrelot, 1996:90). Congress traditionalists fully approved his idea and strategy. But, upon his return, Nehru lobbied hard and forced the CWC to rescind its earlier resolution.

It redounds to Nehru's credit that in the early years after independence, he stoutly resisted attempts by Hindu traditionalists to hijack the Congress platform for communal ends. But he did not always succeed, mainly because the traditionalists outnumbered the liberal, secular Congressmen. It is hard to put a percentage on both groups because most Congressmen had protean ideological loyalties. Though they outwardly paid obeisance to the official policy of secularism, they never hesitated to violate it when it suited their interests. On record, even Patel, for example, denied that he differed from Nehru regarding secularism (Graham, 1993:22). But such assertions did not prevent him from continuously lobbying for a hard Hindu line in the party.

In view of such strategic ambivalence, the only reliable index of a Congress leader commitment to secularism would be his or her actions. Judging by this criterion, it is impossible to deny that the Congress had an unmistakable pro-Hindu orientation. This fact became apparent during critical moments when direct conflicts arose between the traditionalist Hindu position and that of secularism. Even otherwise, several top Congress leaders never fought shy of masquerading their Hindu orientation. Thus, for example, Purushottam Das Tandon, a Hindu hardliner within the party, never tired of urging Muslims to adopt 'Hindu culture' (Gopal, 1996:211). Congress President Pattabhi Sitaramayya, also eulogised the RSS and reminded his party men that it was not 'the enemy of the Congress' (quoted in Graham, 1993:20).

THE SOMNATH TEMPLE CONTROVERSY

In spite of Nehru's titanic efforts, on several occasions, the Congress was forced to compromise its secular commitment. A case in point is the restoration of the Somnath temple[11] in Gujarat. Patel encouraged K. M. Munshi, a minister in Nehru's cabinet and a traditionalist, to go ahead with the restoration of the ruined temple. While no funds from government coffers were directly spent on the project, the government was involved in the restoration work and two representatives each of the federal and Saurashtra governments served on the temple's board of trustees (Van Der Veer, 1992:93). Besides, the provincial government of Saurashtra also sanctioned funds for the restoration work. Evidently, Pandit Nehru did not like the active association of the government or its ministers and bureaucrats in the religious affairs of a community. Though he tried to dissuade Munshi from going ahead with the task, the latter pursued it with Patel's support. Later, Nehru tried in vain to prevent the President, Dr. Rajendra Prasad, from attending the installation and inauguration ceremony (Gopal, 1996:211). But the President disregarded his advice.

NEHRU AND COMMUNALISM IN THE CONGRESS

The Somnath affair was certainly not an isolated incident. Soon after the partition, Nehru heard complaints that Mohanlal Saxena, the federal minister for Rehabilitation, had ordered the forcible sealing of Muslim shops in Delhi and UP (quoted in Hasan, 1991:66). Also, there were reports of harassment of Indian Muslims because their relatives had migrated to Pakistan (ibid.). Similarly, the Congress Chief Minister of UP, Gobind Ballabh Pant, had unofficially barred Muslims from getting employment in the government and the police forces

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[11] Hindus consider the Somnath temple in Junagadh, Gujarat as a holy place. Apart from the temple, Hindus revere the place because it is said to be the site where Lord Krishna renounced his human form. The temple is dedicated to Somnath (Lord Shiva) and is believed to be an ancient place of worship. The earliest references to the temple date back to 942 to 997 AD. when, according to historical reports, a Hindu ruler visited the temple to offer worship. A Muslim invader, Mahmud of Ghazni, first desecrated the temple and plundered its wealth in 1025 AD. Soon after, a Hindu king rebuilt the temple. But, several invaders defiled the temple repeatedly in their quest for riches. The British declared the ruins of the temple as an 'ancient monument' and left it untouched. In November 1947, when Junagadh joined the Indian Union, Sardar Patel promised the people of Junagadh that his government would undertake the reconstruction of the Somnath temple. For details of the politics of the restoration of the Somnath temple , see Van der Veer, 1992.

(ibid.). Nehru must have felt somewhat helpless because the overwhelming mood, in the aftermath of the partition, was against the minorities and Hindus did not feel obliged to treat Muslims well who stayed back. Nevertheless, he tried his best to alter popular perceptions. He decried Hindu fears about Christian evangelists in Madhya Pradesh and told the Congress Chief Minister there not to harass them. In his letters to Chief Ministers, Nehru urged them to take urgent steps to ensure the participation of the minorities in the government, civil services and the police force. Gopal refers to the special attention Nehru paid to individual cases of discrimination against the minorities and his instruction to Chief Ministers to send quarterly reports of official recruitments (1996:213).

It is a measure of Nehru's faith in secularism that he sought to popularise it in several ways. He knew that communalism was, among other things, an irrational perspective on identity. To set right this lacuna, Nehru stressed the importance of inculcating scientific temper and rational thinking. To further these goals, he provided official patronage for the 2500th birth anniversary celebrations of the Buddha. He clarified that the government organized the celebration not to promote Buddhism but to pay homage to a great son of India. Personally, Nehru admired the Buddha because he had the courage to oppose institutionalized Brahmanism. Besides, the Buddha stressed a rational, self-reliant outlook that Nehru found relevant for India.

Though his intentions were unimpeachable, Nehru's efforts did not produce the desired results. India was preponderantly feudal in structure and outlook and taking on the feudal elements all at once was a superhuman task. Most of the Congress traditionalists came from a feudal, authoritarian background and they did not have the equipment or the inclination to appreciate modern notions of egalitarianism. They belonged to the upper castes such as Brahmins and Banias, and were either members of the landed aristocracy or the urban, professional bourgeoisie like lawyers, businessmen, and the like and those belonging to the petit-bourgeoisie such as Brahmin clerks, petty shopkeepers, and school teachers. Though their outlook was similar to that of the RSS, the traditionalists held slightly divergent views. To begin with, they were not openly vocal about Hindu nationalism. Unlike the RSS, they preferred to practice their exclusionary strategies while paying lip sympathy to composite nationalism.

If, in spite of ideological affinities, the traditionalists did not join the RSS or other such Hindu nationalist bodies, then it was because they had little reason to feel unhappy with the policies of the Congress, particularly those pertaining to the interests of the Hindus. As we have seen, on all crucial questions, the traditionalists asserted themselves forcefully and ensured the supremacy of Hindu interests. More to the point, they were attracted to the Congress because, unlike the Hindu Mahasabha or the Bharatiya Jan Sangh, it was in a position to offer positions of patronage and enjoyed unprecedented mass legitimacy. The traditionalists wished to use the Congress for furthering their political goals. Hence, they remained in the party and tried to take control of it by sidelining the secular elements led by Nehru.

Thus, in the early years of his regime, Nehru was hamstrung by the traditionalists' resistance to genuine secularism. It was an accomplishment of sorts that at least notionally secularism continued to be the official policy of the Congress. Of course, the party also had hardly any alternative because the fact remained that there were 35 million Muslims in India out of a total population of about 300 million people. Given such contradictory circumstances, the appraisal of Nehru's achievements or lack thereof can be endlessly debated. One side could argue that, as the most important political actor of his time, Nehru ought to have asserted himself in favour of secularism and that he did not go far enough to vanquish obscurantist and traditionalist forces. Others can maintain that given the almost insuperable obstacles--ideological, socio-economic and political--Nehru's achievements were truly remarkable. Obviously, both positions are extreme and would inevitably result in either lionizing or vilifying the Nehru regime.

A realistic evaluation of Nehru's secular track record rests on appreciating the dialectic between the man and the structural constraints within which he functioned. We have already seen that on several crucial issues such as the UCC, cow slaughter, and Urdu, the Nehru regime faltered and failed to live up to its professed goal of treating all religions and religious groups with equal respect. We have also noted that the failures were mainly due to the intense lobbying of Congress traditionalists against genuinely secular policies. On balance, if one takes a long term perspective, then one cannot help getting the sense that though the traditionalists and Hindu nationalists opposed anything that subverted the status-quo arrangement in the immediate context, Nehru's government could have initiated certain non-confrontational, basic measures to function as bulwarks against Hindu majoritarianism. Let me explain this point in some detail.

NEHRU AND THE LEADERSHIP OF THE MUSLIM COMMUNITY

In the course of his 17 years in power, Pandit Nehru did not pay much attention to cultivating a secular, youthful leadership in the Muslim community that could have served as a watchdog against the violation of secularism. Due to this lapse, Muslims were deprived of enlightened leaders for articulating their aspirations and lobbying for their fulfilment.

At a crucial time when the new Constitution was being drafted and policies were being formulated, Muslims needed people from within their community to effectively champion their cause. Unfortunately, with the elites having migrated to Pakistan, their largely unlettered brethren were left to the mercies of a handful of leaders like Maulana Abul Kalam Azad, Rafi Ahmed Kidwai, Zakir Hussain, Humayun Kabir, Abid Hussain and so on. The Congress co-opted them and offered them ministerial positions in the government.

Since it was never the intention of the Congress to treat Muslims on an equal footing and bring them on par with the Hindus, it did not go beyond making symbolic gestures. Even under Pandit Nehru, the party cultivated a handful of pliant Muslim leaders and rehabilitated them in the power structure. The Congress envisaged a patron-client relationship with Muslims. And that is precisely how it has dealt with them till now. Interestingly, the Congress adopted a similar strategy of elite pluralism with respect to other communities as well, particularly the dalits and tribals. The Muslim leaders were aware of their marginalized position in the party and the government. But they had no option other than accepting the hegemony of the Congress, given the peculiar circumstances of their community.

Except for Kashmir where they comprise about 60 percent of the population, the Muslims are not in an absolute majority in any region. The community is scattered across the length and breadth of the country. Soon after independence, Muslim leaders realized that organizing their co-religionists was a massive task requiring huge funds and manpower, both of which they lacked. The Congress enjoyed popular credibility and had the wherewithal to reach out to the Muslims nation wide. Most important, being in power, it could offer patronage to notables in the community in exchange for their support. Bereft of these abilities, the handful of enlightened Muslim leaders were hamstrung and hoped that they would be able to work for their people by participating in the system, no matter how iniquitous it was. But they soon found out that the only way they could survive in the Congress and in office was by submitting to the party line on all issues.

In the 1952 parliamentary elections, only 22 Muslims were elected to the Lok Sabha, in 1957 their number rose to 26, and, in 1962, it fell to just 20 members (Zakaria, 1995:129-130). Since they did not have the strength of numbers, the Congress could easily manipulate the Muslim leaders. It promptly sidelined those who exhibited a streak of independence or rebellion and cultivated an obscure member of the community to counter the influence of the established rebel. The most important weapons that the party wielded were distributing tickets to run for elections and providing funding for poll related expenses. It did not re-nominate Muslim candidates suspected of having a subversive potential. Till the late '70s, without the Congress platform, no leader of any community-- not to speak of Muslims--had a bright chance of winning elections. These circumstances forced Muslim leaders to acquiesce in Hindu hegemony or risk going into political wilderness.

Most Muslim elites chose to remain within the Congress fold though they found themselves totally isolated. Their indebtedness to their Hindu patrons in the Congress was all-encompassing. Muslim politicians never raised controversial issues or gave any inkling about their true feelings. A lot of it also had to do with the nature of politics in India. Unlike in the West, elected representatives are paid woefully low salaries and pensions[12] because, technically, politics is considered a 'mission' and not a occupation. In other words, one is expected to take to politics for ideological reasons, not to make a living. Though the state provides several perks to peoples' representatives like subsidized housing, health care, air and train travel and so on, to be able to access them, one has to continue in office. Those who demit office lose all benefits. Thus, invariably after retirement or quitting politics, one is forced to grapple with gnawing insecurities. More to the point, the perks do not amount to much and do not secure the freedom and dignity of elected politicians.

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[12] India's 790 parliamentarians are the lowest paid elected representatives in the world, though each member of the Lok Sabha represents over a million people. A member of Parliament gets Rs. 1500 (approx. Cdn. $ 54) per month as salary. (S)he gets Rs. 3000 (approx. $ 108) per month as constituency allowance and Rs. 1000 (roughly Cdn. $ 36) as office expense allowance. Their perks include 28 free air trips between New Delhi and their constituency for the member and his/her spouse, 50, 000 free long distance calls per year, subsidized housing, free furniture in Delhi, comprehensive medical coverage for the member, spouse and kids below 18 years, and Rs. 50,000 (nearly Cdn. $ 1786) as interest free car loan. In May 1997, a committee under the chairmanship of Mr. A. R. Antulay, Lok Sabha M.P., recommended that the salaries and benefits be hiked. It has suggested that M.P.s should be given every month a salary of Rs. 3000 (about Cdn. $ 108), constituency allowance of Rs. 6000 (Cdn. $ 216) and Rs. 5,500 (Cdn.$ 196) as office expense allowance. In addition, the committee has also recommended an slight increase in perks. For details, see *Rediff on the Net*, <http://www.redifindia.com/news/may/03mps.htm>

The existing arrangement might seem to spring from a mulish reluctance to recognize that those in politics can serve better if the state provides them with a measure of security. But the system perpetuates insecurity on purpose to extract compliance. It is also an exclusionary device that precludes independent minded individuals without partisan affiliations from entering politics. To survive under such uncertain circumstances, politicians routinely resort to influence pedalling and jobbery. Paradoxically, such illegitimate acts provide the ruling elites with additional means to threaten and silence their flock. Taken together, the whole political system is geared to go through the motions of democratic functioning without any room for real debate or dissent.

Though Muslim politicians were not the only ones to be affected by the skewed political set up, along with dalit and tribal representatives they were the most vulnerable. Most of them were recent entrants into politics who lacked the money, power, and entrenched political base that their senior Hindu counterparts had. Even those who had carved out a niche for themselves like Maulana Azad (1888-1958) in the early '50s, were reluctant to jeopardize their and their childrens' prospects by trying to subvert the system.

Thus, Azad, putatively one of the greatest Islamic theologians in Asia and an ardent nationalist and a veteran Congressman, never made his views public when he was alive. As a comrade-in-arms during the freedom movement, he had worked closely with Gandhi, Nehru, Patel and other luminaries. After independence, he became a minister in Nehru's cabinet, holding the portfolio of education and culture-- a post he held till his death in 1958. A great visionary, Azad was pained by the prospect of partition and tried his best to avert it.[13] His plans would have led to the reconciliation of the Congress and the Muslim League.

At the provincial level also, MLAs and ministers draw low salaries. For instance, the West Bengal government increased the salaries for its legislators and ministers in April 1997 after a gap of 30 years. Mr. Jyoti Basu, who has served as the Chief Minister for 22 years and as a legislator for 50 years, now draws a salary of Rs. 2300 ($ 82) per month, in addition to some perks. The revised and old salaries of West Bengal ministers are as follows: Cabinet Ministers Rs. 1800 (Rs. 900), Ministers of state Rs. 1700 (Rs. 850), and, Deputy Ministers Rs. 1500 (Rs. 750). For details, see *India Current Affairs*, April 30, 1997. All dollar amounts are in Canadian dollars.

[13] When the British conducted provincial elections to provide limited autonomy in 1935, the Congress and the Muslim League ran separately for the first time. In the United Provinces (now Utter Pradesh), the Congress won a majority of the general seats but was unable to get a single Muslim elected on its ticket. Azad advocated that the Congress and the League should form a coalition government. Nehru, as the Congress President, rejected the idea outright, thereby confirming the worst fears of the League about Hindu domination in free India. Azad was immensely pained by Nehru's obstinacy but did not express it. Similarly, in 1946, under the

Though the League accepted his ideas, the Congress was adamant. Azad was pained by the obduracy of the Hindus in the Congress but did not criticize them openly. He was particularly upset by Nehru's handling of the events leading to the partition and his refusal to entertain the genuine demands of the League. And yet, instead of opposing Nehru, Azad meekly submitted to his dictates. He wrote about his real feelings in his book *India Wins Freedom* but decreed that it should be published thirty years after his death. His views became known only in 1988 when the book was published in its entirety. Evidently, Azad was worried that his views might jeopardize his political career or that of his progeny. If a person of Azad's stature could not dare to openly defy Hindu hegemony, then the plight of lesser Muslim leaders can be imagined.

A majority of the Muslim elites hailed from the upper middle class; some were members of the landed aristocracy. Given their class background, they were alienated from their largely unlettered, destitute, co-religionists. In terms of tastes, outlook, and compatibility, they felt more at home with their Hindu counterparts. In the aftermath of the partition, the Muslim were eager to erase the stigma of perfidy and wanted to prove their nationalist bona-fides. Like Azad, they were all apprehensive about identifying themselves too closely with the Muslim cause and inviting the wrath of the Hindus. The basic problem was that the Hindus were convinced that Indian Muslims were living on their sufferance. No Muslim leader dared to challenge this proposition. On the contrary, ingratiating themselves with the Hindu elites of the Congress became one of their main priorities.

As the Muslim sub-elites got entrenched in the political milieu, a more disturbing trend became apparent. Savouring the patronage of their Hindu masters, they developed a vested interest in perpetuating the backwardness of their community. The Muslim leaders knew that their positions would be safe as long as their people were poor and ignorant.

NEHRU'S TREATMENT OF MUSLIM LEADERS

As perspicacious as he was, Nehru could not have remained oblivious to the dilemmas of the Muslim leaders. A titan in the Congress, he was one of the few leaders who could have taken the initiative in promoting a new Muslim leadership. But he chose not to. He seemed unforgiving toward Muslim leaders who stood up for their principles. For example, Nehru ill-treated even his close Muslim friend and the popular leader of Kashmir, Sheikh Abdullah. Initially, he reposed his faith in Abdullah and used him to secure the

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Cabinet Mission's Plan, the British government mooted the idea that there should be a single united Indian Union with the Hindu and Muslim regions segregated. The idea was to reconcile the concerns of the Muslim League with the Congress desire to keep India united. Though Jinnah agreed to the proposal, the Congress rejected it, paving the way for an inevitable partition. Once again, Azad was disappointed and thought that the Hindus in the Congress were not being fair. But he did not make an issue of it. For details, see Zakaria, 1995:42-43 and 70-71.

integration of Kashmir into the Indian Union. For instance, as per the Delhi Agreement concluded between Nehru and Abdullah in July 1952, Kashmir accepted the national flag, the jurisdiction of the Supreme Court and some fundamental rights enshrined in the Indian Constitution (Tremblay, 1992:160-161). But Congress traditionalists and Hindu nationalists resented what they felt was the 'special treatment' afforded to Kashmir. They opposed Nehru's policies and demanded that the autonomous status of Kashmir be reversed. The Hindu Mahasabha, Akali Dal, RSS and the Jammu Praja Parishad (Peoples' Council) jointly launched an agitation in Kashmir as a result of which Hindu-Muslim relations soured once again all over the country. According to Rizvi, Hindu communalists were basically interested in dethroning Nehru from the Prime Ministership because of his 'supposedly pro-Muslim bias' (1992:56).

Sheikh Abdullah was annoyed by the mean-spirited attitude of the Hindus and felt frustrated by their repeated attempts to stymie the integration of Kashmir. Unemployment was rampant in the province and the federal government discriminated against Muslim youth in providing jobs in defence, external affairs and communications -- ministries under its jurisdiction (Noorani, 1992:273). In sheer desperation, on July 12, 1953, Sheikh Abdullah announced a plan for an independent Kashmir. It was just a plan and not a fait accompli. Muslim grievances in Kashmir were genuine and required immediate remedial measures. Hindu nationalists criticized the Sheikh for his 'autocratic' rule and accused him of adopting a hardline towards New Delhi. Nevertheless, that Hindu intransigence had also precipitated Abdullah's decision was incontrovertible. And yet, instead of reconciling mutual differences with him, Nehru dismissed Abdullah's government on August 8, 1953 and arrested him on the suspicion that he was being instigated by the Americans.

The arrest of Sheikh Abdullah dealt a severe blow to Muslim self-confidence and shattered their faith in the fairness of the Hindus. In spite of all his drawbacks, Abdullah was the most trusted ally of India in Kashmir. If the Hindu elites had treated him with respect and goodwill, then, perhaps, he would not have announced his plans for an independent Kashmir. Whether spontaneous or prompted by Hindu pressures, Nehru's dealings with Sheikh Abdullah and the Kashmiri Muslims were flawed and added to the acrimony between Hindus and Muslims. He immured the Sheikh for eleven years and released him on April 8, 1964, just over a month before his own death.

One of the peculiarities of the Congress policy toward minorities was that it nominated only Muslims to contest from Muslim dominated constituencies. It followed a similar policy for most communities. The Congress operated on the notion that people belonging to a caste or community would/should vote for their own leaders, rather than an 'outsider.' This practice ghettoised the Muslims and underlined the nexus between sectarian identity and politics.

In the interest of promoting secularism, the Congress ought to have deliberately fielded Hindu candidates from Muslim majority constituencies and vice-versa. Such a move would have forced Hindus and Muslims to forge new bonds of relationship based on trust and mutual need. Besides, it would have diminished the importance of religion in politics. But, even under Nehru's leadership, the Congress never made any special efforts to earn the goodwill of the Muslims or to strengthen communal amity. On the contrary, it rationalized its anti-secular practices on the ground that the electorate were not 'mature enough' to separate religion from politics or that the interests and needs of a community were best served by its own leaders, at least in the initial stages of parliamentary democracy.

The post independence Congress concept of pairing leaders with their communities, as far as possible, is in stark contrast to its attitude toward communal representation during British rule. The crucial difference is that if it had continued with the British policy then Muslims would have a larger representation in the Parliament. As things stand, their numerical strength is circumscribed by their pockets of influence.

It could be argued that progressive leaders in the Congress like Nehru could not promote Muslims because of the rancour of the partition and the consequent visceral Hindu aversion to Muslims. Indeed, Hindu elites stiffly opposed any measure meant to ameliorate the conditions of the Muslims. Their resistance and antipathy were the products of incessant sectarian propaganda before and after the partition. Communal stereotypes distorted the perceptions of lay Hindus and Muslims. Passions were raging on both sides after the Hindu-Muslim riots. Sadly enough, Hindus vented their vengeance against well-meaning Muslims who stayed back either because they opposed the creation of Pakistan or were too poor to migrate. In either case, by no means were they the instigators of violence or ill-will. On the contrary, they too had to bear the brunt of the clashes. But the Hindu majority had no patience for reason and logic. The situation was not conducive for immediate reconciliation, but it did point to the dangers of leaving ethnic furies undoused.

FAILURE TO REMOVE THE COLONIAL BIASES IN EDUCATION

The most important task before the Congress government, therefore, was to ensure that the genies of invidiousness and acerbity were controlled and not passed on to succeeding generations. It could have done so by revamping the colonial educational system and imbuing it with progressive, humanist values. One of the primary means of institutionalizing Taylor's notion of 'mutual respect' is through education. Significantly, for all its professed concern for secularism, the Nehru regime failed to overhaul the curriculum at all levels and disseminate values of secularism. Take, for instance, the teaching of history. During the British period, history texts invariably essentialized the differences between Hindus and Muslims and presented the two communities as inveterate foes. This interpretation justified the colonial presence and legitimized the 'White Man's burden' thesis. After independence, one expected that history texts would be rid of such tendentious slants, and would accentuate the ennobling aspects of the syncretic Indo-Islamic culture that developed over eight centuries of Islamic rule. Instead, aside from retaining the imperialist discourse, the state also introduced nationalist historiography that romanticized Hindu contributions to India's freedom struggle and downplayed the role of Muslims. Thus, even to this day, history texts used in schools and colleges throughout India are replete with colonial stereotypes that reinforce Hindu-Muslim antagonisms and present them as calcified, immutable facts. For example, the texts always present 'Hindu' and 'Muslim'/'Islam' as rigid, hermetically sealed categories. It need not be laboured that to reify Islam by referring to 'Islamic conquests,' 'followers of Islam' and so on is to misrepresent the reality. Islam is a richly diverse religion and culture and in different parts of India, it bears the imprint of the local culture, customs, values, and beliefs (Fazalbhoy, 1997:1548).

Similarly, a monolithic Muslim community, united by a single-minded resolve to run over India, exists only in the imagination of Hindu nationalists, not in reality. Like Islam, its followers are variegated in terms of class, caste, ethnic, linguistic, and regional specificities and often do not have much in common except a general set of religious beliefs. Likewise, the ascription of Hindu identity to Maratha, Jat, Rajput and such other rulers, as the texts do, is also untenable. Basically, the texts continue the British tradition of emphasizing the salience of religious identity over other types of political consciousness. Consequently, generations of Hindus have been reared on notions of Moghul tyranny, Islamic zealotry, Hindu resistance to Muslim oppression, and so on. They find it challenging to conceive of a reasonable, amiable Muslim acting on his decent impulses.

Though the warped texts were in use since independence, the federal government woke up to the perils of communal poisoning only when Hindu-Muslim relations deteriorated in the early '90s, in the wake of the Ayodhya agitation. In 1992, it appointed a 15 member steering committee under the noted historian, Bipan Chandra, to appraise school text books published in the various provinces for historical flaws. The committee has produced two reports covering seven provinces. It detected scores of sectarian distortions and concluded that, except in Kerala, the history texts were riddled with serious errors and biases and needed to be scrapped (*India Today*, December 31, 1994:96-97). As of now, the provincial governments have not withdrawn the texts and pupils all over continue to imbibe their prejudiced accounts of India's past.

Not only do the texts purvey false information, but also the teaching of history and civics in schools leaves much to be desired. Handled imaginatively, these subjects are ideal for socializing kids in the values and ethos of secularism. They could also be used to create a better awareness of India's composite culture and to promote civic nationalism. Unfortunately, the state never paid attention to these possibilities. Its lapses regarding pedagogical issues in history speak to its weak resolve in promoting communal harmony. They are also in tandem with the low priority the state assigns to education[14] in general.

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[14] It is a truism that education in India is totally in shambles. Half of the world's 842 million illiterates are Indians, making India the most illiterate country in the world. Only 51 percent of adults are literate. The government spends just around 3.7 percent of its GNP annually on education as opposed to 5.4 percent in industrial economies. The gross primary enrolment has increased in recent years. In 1995, nation wide 147 million students were enrolled at the primary and middle levels in 744,900 schools. The government has employed over four million teachers and spends Rs. 121 billion (approx. 3 billion Canadian) annually on primary and middle school education. Yet, in 1995, 45 million children were out of primary schools. Aside from the low annual budgetary allocation for education (11.9 %), its quality also is dismal. Generally speaking, education is a gargantuan enterprise, highly centralized and closely resembling assembly line, mass production in a factory. Those engaged in critical pedagogy are convinced that the state aims at semi-literacy and sees education as a means to perpetuate

Krishna Kumar (1996) provides a penetrating analysis of the drawbacks in teaching history in schools. Most history texts lack a sense of prioritization and do not take into account the intellectual abilities of the learners. As Kumar points out, children in the lower classes are taught ancient and medieval history and those in the higher classes learn modern history (1996:27). Ideally, it should be the other way round because 'children's capacity to deal with the past develops very slowly' (ibid.). Furthermore, neither the texts nor the teachers provide the students with any understanding of how history is constructed, the sort of evidence and reasoning used in the process and its social and political purposes. History is presented as a continuous, chronological metanarrative of past events without any effort to explain why they took place. In other words, the concept of social history or of peoples' role in the making of history is completely absent. It comes as no surprise that most students loath the subject and see it as an exercise in cramming useless details of the lives of kings and queens.

A serious defect of most history texts concerns their treatment of conflict and communal tensions. Anyone acquainted with the Indian milieu knows that the oral lore about Hindu-Muslim conflicts casts an overpowering influence on popular perceptions of both communities. Jokes, anecdotes, proverbs, metaphors, idioms, folk songs, oral history, local incident, selective recollections of distant events and such other social artifacts embody the negative impressions of a community about the 'other.' In a largely illiterate, oral culture like India, their prevalence and use are ubiquitous. Youngsters and children are not immune to such influences. In fact, their social awareness is based almost entirely on what they pick up through folk lore. Such skewed images lead them to misinterpret the causes and consequences of social discord. Therefore, any attempt to check communal violence must begin by first finding ways of disabusing people of their fallacious notions. Strange though it might seem, Indian history texts do not deal with such unsettling issues. They do not even acknowledge the influence of the oral narrative (Kumar, 1996:20-21). The teachers also often have neither the equipment nor the training to present issues in a proper perspective. As members of the upper castes and middle class, a majority of them subscribe to Hindu majoritarian explanations of communal violence.

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the status quo. Hence, single teacher schools, schools without blackboards and teachers, schools existing only on record for getting government grants -- all these are quite common. Education is on the concurrent list, meaning both federal and provincial governments have responsibilities and legislative powers, and the two are demarcated. The private sector is also involved in education to the extent that it runs schools and colleges. But the state has the sole prerogative of deciding the curriculum and texts. It constitutes committees to write school texts in the various subjects and publishes them through the provincial Directorate of Textbooks. Almost all text books are uniformly sloppy, unimaginatively written and riddled with factual, grammatical and commentarial errors. Since the texts are printed in millions for use in schools throughout a province, they are not replaced often, even when they contain errors, because of the huge costs involved. For statistical details on education, see Chaudhry, 1998 and Haq, 1997. Krishna Kumar (1998) provides an overarching critique of the dominant trends in the current education scenario. They include a decline in the number of children proceeding beyond primary and secondary stages, disproportionate emphasis on higher education for benefitting the dominant elites at the expense of the state's resources, and, a pronounced bias in the curriculum toward protecting class interests and perpetuating class distinctions.

Instead of explicating issues that teachers are not aware of or are unlikely to bring up, given their caste/class position, the texts complicate matters by adopting contradictory perspectives on sectarian tensions. Thus, on the one hand, as Kumar mentions, they contain statements such as 'Shivaji never molested Muslim women who fell into his hands' without realizing that it underscores the so-called moral superiority of the Hindus while diminishing that of the Muslims (ibid.). On the other, the texts also reiterate the mantra of secularism, which makes little sense in the background of the oral lore and the earlier biased narrative in the text. Since they do not clarify the basis of secularism and situate it in a historical context, the concept has little impact on students.

The slipshod treatment of secularism contrasts with the glorification of India's ancient history. Such uncritical celebration of the supposed Hindu heritage of India since the earliest times and the presentation of Indian history as the progressive unfoldment of a pristine, Hindu vision neatly tie into the BJP's understanding of Indian history. In this version, the freedom struggle is just another episode in the relentless saga of Hindu resistance against colonial powers and its surge toward a pure Hindu nation. What is most intriguing is that the Congress under the leadership of Pandit Nehru institutionalized such a parochial reading in the civil society. In conjunction with the Hinduised oral lore, it sowed the seeds of a Hindu world view. Could it be that perhaps unbeknownst to the secularists, a government ostensibly wedded to secularism, provided sustenance for the growth of Hindutva? Curiously, even after it assumed a pathological form in the '90s, most secularists do not care to admit the complicity of the Congress in the resurgence of Hindu nationalism.

Being a historian himself, Pandit Nehru could not have been unaware of the dangers of biased history texts and teaching. These anomalies were compounded by the abysmal conditions of schools and colleges in most places, barring some urban, elitist institutions. And yet, during his long tenure, Nehru did virtually nothing to improve either the curriculum or the instruction in schools. He never ceased to dwell on the virtues of secularism, critical education, scientific temper and so on, but did precious little to actualize them in the lives of ordinary Indians. Notwithstanding professions to the contrary, education remained a low priority area during the Nehru regime.

NEHRU'S NEGLECT OF A PROGRESSIVE CULTURAL POLICY

Nehru also failed to formulate a progressive cultural policy for the nation, soon after independence. It might seem abnormal that a land as rich and laden with culture as India does not have a coherent cultural policy. It is one thing to proclaim that the state wishes to promote the composite culture of India and quite another to chalk out clear policies and programmes for its implementation. In the last fifty years, no government has explicitly laid out its cultural policy and invited a popular debate on it. The policy continues to be nebulous, 'ad hoc' and protean (Rudolph and Rudolph, 1984:15). Not having committed itself to recognize and approbate the contributions of the minorities through a concrete agenda, the state glosses over the Hindu bias in its cultural policies. What is incontrovertible, though, is that it has squandered yet another opportunity for strengthening secularism.

In 1953-54, Pandit Nehru's government established three academies for promoting Indian culture: the Sahitya Akademi (National Academy of Letters), the Sangeet Natak Akademi (Academy for Music, Dance and Drama), and, the Lalit Kala Akademi (Academy for Fine Arts). Their mandate was to 'promote the cultural unity of the country' (quoted in Smith, 1963:380). Since it is not clear how this objective could be realized, successive governments have exploited its ambiguity to patronize Brahmanical Hindu culture. The rationale is that Indian culture cannot but be Hindu culture since Hindus constitute the majority. This formulation is problematic, to say the least. Admittedly, Hindu culture is a major component of Indian culture and it cannot be otherwise. But it does not follow that 'Hindu culture' should be restricted to the culture of the upper castes; aspects of the subaltern culture, their music, literature, art forms etc. must also be advanced. Besides, Hindu culture does not exhaust all of Indian culture; the latter is a much bigger entity comprising contributions from minority cultures as well. In practice, however, the academies provide support for an Indian culture that does not sufficiently recognize the contributions of the Muslims and the Christians (Smith, 1963:376).

Like education, culture is a critical tool for promoting social cohesion. But because it is conceived in a lopsided manner, the academies promoting culture have not been able to bridge the gap between the Hindus and the Muslims. As a result, most Hindus are clueless about the lived experiences of the Muslims. Not being aware of the humanness of their lives, they continue to despise the latter. More to the point, the elitist culture of the academies has also alienated the subaltern castes within Hinduism.

NEHRU'S COMPLICITY IN THE DISMISSAL OF THE CPI GOVT. IN KERALA

Given Nehru's secular outlook and his preference for Fabian Socialism, one would have thought that he would collaborate with the Communist Party of India (CPI) to fulfill his political objectives. Throughout the Nehru regime (1947-64), the communists were the main opposition party and their parliamentary strength consistently increased in the three general elections held during that period. Briefly, the performance of the CPI was as follows:

Year	Percentage of votes	No. of seats in Lok Sabha
1952	3.3	16
1957	8.9	27
1962	9.9	29

Source: Butler, David et al. 1995: 72, 76, 80.

Though they performed better than all other opposition parties, the communists posed no threat to the supremacy of the Congress. And yet, Nehru did not make common cause with them for promoting secularism. On the contrary, when they got popular support at the provincial level, he approved of unconstitutional means to curb their influence.

In 1957, following years of extra-parliamentary agitations for popular causes, the CPI came to power in the southern province of Kerala. Its victory was no mean achievement as it signalled the rise of one of the earliest communist governments through parliamentary politics. Soon after assuming office, the CPI Chief Minister of Kerala, E.M.S. Namboodiripad, passed progressive statutes to bring about fundamental agrarian and educational reforms.[15] Land owning castes and the Roman Catholic church--two groups most affected by these legislations--stiffly opposed the CPI government's initiatives. In particular, the Roman Catholics were incensed by the Kerala Education Bill of 1957,[16] which aimed at removing 'corruption, communal bias and maladministration' in the province's largely privately managed educational institutions (quoted in Zoya Hasan, 1994:210). They claimed that it encroached on the autonomy guaranteed to the minorities in the Constitution.

If the Congress was sincere about promoting secularism, it ought to have supported the progressive measures of the CPI government. Since, both land reforms and educational reforms were absolutely central to institutionalizing a secular ethos, it could not have faulted the communists for their radical legislations. The Congress, however, joined the opponents of the Bill and agitated for the removal of the government. The President of the Congress, Mrs. Indira Gandhi did not like the ascent of the communists in Kerala and wanted to ensure that her party returned to power. She encouraged her party men to foment civil disturbances to discredit the communists. Mrs. Gandhi also persuaded her father, Prime Minister Nehru, to dismiss the CPI government and impose President's rule in Kerala.

Nehru was also uneasy about the rise of the communists. Fearful that they might gain an upper hand if left unchecked, he acquiesced in Mrs. Gandhi's request, a fact that several scholars have corroborated (Zoya Hasan, 1994:212). Accordingly, the federal government dismissed the democratically elected CPI government on 31st July, 1959. Nehru took this illegal step because he feared that not being in power, his party men in Kerala might drift to other parties in their quest for political office. Also, he was taken in by the rhetoric of the Hindu nationalists and the Congress traditionalists about a communist conspiracy to seize control of the whole of India. In any case, aside from weakening the nascent democracy in India, the ill-conceived dismissal dealt a severe blow to secularism. Though a severe setback to the communists, their ouster hurt Nehru more than them as it sullied his credentials as a secularist and a democrat.

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[15] Zoya Hasan (1994) provides a succinct account of the progressive policies of the Namboodiripad government and the politics surrounding its dismissal. Also, see Jeffrey, Robin (1991).

[16] In the 1950s, 7000 of Kerala's 11,000 schools were run by private bodies. Of them, Christians --a majority of them Roman Catholic comprising 22 percent of Kerala's 15 million population -- controlled about 3000 schools. The Nairs, a prosperous non-Brahmin caste, ran another 3000 schools through their Nair Service Society. Teachers in these private schools were not given proper employment benefits like provident fund, pension and security of service. Besides, the education they provided lacked a pronounced secular thrust. The Kerala Education Bill aimed to put an end to exploitation of education by private entrepreneurs. It provided that all teachers must be accorded the rights and privileges given to teachers of government run schools. Besides, it allowed the government to appoint teachers to the private schools, which could change their denominational character. Most important, it empowered the government to take over institutions if they were mismanaged or if it wished to standardize education. Predictably, the Nairs and the Christians opposed the Bill and when it was sent to the President for his assent, he referred it to the Supreme Court for advice on its legality. The Court struck down two clauses of the Bill which empowered the government to take over the schools as unconstitutional and upheld the validity of the other clauses. Thereafter, the Bill received the Presidential assent and became a law in February, 1959. I have drawn the details mentioned above from Smith, 1963:365-368.

A CRITICAL ASSESSMENT OF NEHRU'S SECULARISM

Nehru's contributions to Indian secularism can be debated endlessly; enough reasons exist to both commend and criticize him. His accomplishments were splendid, particularly because traditionalists in the Congress, Hindu nationalists, and obscurantist created hurdles in his path at every stage. Whatever the pitfalls of his regime, Nehru gets the credit for introducing secularism to a people who were inured to discriminatory, anti-minority views and practices for centuries. After all, the inequities of the Brahmanical caste system and its ill-treatment of the dalits and minorities are without a parallel in any other part of the world. In this ethos, to even introduce the notion of 'equal respect' and secure consensus for it, however grudging, is a monumental tour de force. Though aided by the absence of any viable alternative, Nehru's policy of secularism struck roots because he fought for it mightily.

Having noted this fact, it must be pointed out that Nehru's ebullient espousal of secularism abated after the initial years. He introduced secularism but failed to institutionalize it. Due to his flagging commitment, his lapses became as colossal as his achievements. As we have seen, in several crucial respects, he just did not display the political determination and sagacity that he alone could have shown. True, as someone swimming against the current, Nehru had only two options. He could have duelled with the conservatives and nationalists to the very end and risked political oblivion, if he were to have been vanquished. Or, as he thought, he could adopt a non-confrontational strategy, make judicious compromises, and discreetly push the agenda of secularism and socialism. He preferred the latter, hoping that that was the only sensible alternative. But, as he discovered later, the compromises he made were so crippling that they diminished the quintessence of secularism and reduced it to an empty slogan.

In some sense, Nehru's plan was ineluctably doomed to failure because the appropriate conditions for nurturing secularism did not exist. Values of secularism such as respect for minorities, rejection of spiritual authority, irrational beliefs, and, the notion that primordial identities like blood, ethnicity, caste, and religion are sacrosanct and cannot be nourished in a vacuum. Secularism cannot thrive in a feudal society. It requires a benign, democratic, egalitarian socio-economic system in order to flourish. Sadly, such an arrangement does not exist even now.

We have noted that since the Congress was a multi caste/class alliance, it could not adopt strong ideological positions on any issue and hope to keep the alliance in tact. Hence, though it professed secularism to reassure the minorities, it did not provide them with the wherewithal to enjoy their rights or assert themselves when they were curtailed. The Nehru government did not devise imaginative schemes for their amelioration. It did not even conduct a detailed survey to determine their socio-economic profile and needs. In the 1950s, nearly half of the total population lived below the poverty line. Around 75 percent of people were involved in agriculture and nearly 65 percent of the unemployed were in rural areas (Ghouse, 1992:88). Unemployment and underemployment were widespread. In rural areas the extortionate money lenders and feudal barons pushed the landless, illiterate peasants into lifelong indebtedness and bondage.

Instead of initiating fundamental changes aimed at the eradiation of rural poverty and social misery, the Congress, in an attempt to keep its all-inclusive character unharmed, made extensive compromises with pre-capitalist and feudal institutions (Markovits, 1988:151). Having adopted such status-quoist policies first during the colonial period when it came to power in six provinces for a short while, the party pursued them even after independence. All the so-called progressive measures such as land reforms,[17] abolition of bonded labour and rural indebtedness, and affirmative action policies were essentially tokenistic measures. Their impact on the lives of ordinary Hindus and Muslims was limited. Weak and vulnerable, the minorities were in no position to contest the hegemonic powers of the Hindu elites. They were marginalized in their communities and could offer little resistance to the routinization of a secularism that was profoundly inimical to their interests.

Nehru's biographer, Hiren Mukherjee, a veteran communist parliamentarian, called him a 'gentle colossus.' Either Nehru was too gentle to push his secular agenda through the rough and tumble of Indian politics, or he did not wish to antagonize powerful forces within the Congress. He was more obsessed with consolidating his leadership and promoting his daughter, Indira Gandhi, as the future Prime Minister. Consequently, he did not take the revolutionary changes he had introduced to their logical end. For the minorities, this reluctant activism did not mean very much.

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[17] Before independence the Congress vowed that it would introduce agrarian reforms if it came to power. It advocated the abolition of the *zamindari* (landlordism) system, reform of tenancy and a ceiling on the maximum size of agricultural holding. But the Congress plan of action did not envisage a radical reform of land tenure or land ownership. Also, prominent Congressmen, led by Gandhi, opposed the abolition of landlordism. Basically, the Congress wanted to substitute feudalism with capitalism in the agrarian sector. Nehru's personal preference was for radical changes in the whole agrarian structure. After assuming office, he abolished the zamindari system. The state acquired 173 million acres of land from the intermediaries as a result of which 70 million tenants came directly in contact with it. But the reforms were not extensive. The laws for acquiring land were defective as they excluded certain types of land declaring them as the personal property of the intermediaries. Taking advantage of this loophole, they fudged on the records, showed their excess lands as falling within the purview of self-cultivation and evicted the tenants and intermediaries. Besides, the government did not simultaneously initiate tenancy reforms which rendered abolition of landlordism largely ineffective. It also bungled the fixation of ceiling on agricultural property. Though Nehru himself headed the Planning Commission, he did not give enough importance to ceiling reform in the first three Five Year Plans. The ceiling reform laws enacted by the various Congress led provincial governments during Nehru's period had several infirmities that the landlords exploited. To begin with, the ceiling limit was high (1500 acres in Andhra Pradesh) , there were several exemptions, and, the unit of ceiling was the individual, not the family. All told, it was a farcical piece of legislation, perfunctorily drafted and implemented. For details, see Ghouse, 1992:91-97. Bhagvan also criticizes the land reforms as a 'total sham' and states that between 1947 and 1987, the government distributed less than 0.6 percent of the total cultivated area among the landless (1987:65-66). For a overarching review of the socio-economic failures of the Nehru era, see Frankel, 1978, chapter 5. Also see Rothermund, 1988:130-133.

SECULARISM DURING LAL BAHADUR SHASTRI'S TENURE: 1964-1966

By the time Nehru's successor, Shastri, assumed the Prime Ministership in June 1964, several significant developments had altered the communal atmosphere in the country. One of the remarkable features of Nehru's regime was that up until 1960, the number of communal riots declined steadily. In 1954, 84 clashes took place in which 34 people perished; by 1960, the number fell to 26 riots and 14 deaths (quoted in Hasan, 1997:259). Unfortunately, in the following year, 92 riots rocked the nation killing 108 people (ibid.). After a brief lull, the incidence of communal clashes soared dramatically in 1964, the year Nehru died. A record 1070 riots occurred and the human toll was 1919 (ibid.). Thus, when Shastri assumed office, the communal atmosphere was vitiated and Nehru's demise further undermined the confidence of the Muslims.

The minorities sorely needed to be reassured that their interests would not be jeopardized. But, the Shastri government did not take any concrete measures to promote sectarian amity. On the contrary, it announced several policies aimed at the forcible constitutional integration of Jammu and Kashmir with the rest of India amidst growing opposition from Kashmiri Muslims (Puri, 1993:2143). It extended the Emergency provisions of the Indian Constitution to Kashmir, changed the nomenclature of the heads of government and state in the province, and, instituted new rules for the appointment of the provincial governor (ibid.). In the surcharged communal situation these heavy-handed steps created a great deal of resentment and social unrest.

A major highlight of the Shastri regime was the Indo-Pak War of 1965. Since India had become weak after its ruinous defeat in the Indo-China War of 1962, Pakistan felt it was an opportune moment to commit aggression on Kashmir and forcibly seize control of it.[18]

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[18] In October 1964, Prime Minister Shastri and Pakistani President Ayub Khan decided to put a moratorium on the Kashmir question for some time. Soon after, India adopted a hardline on Kashmir and asserted that its accession was non-negotiable. Pakistan was furious and the relations between the two countries deteriorated. In April 1965, serious clashes took place between Pakistani and Indian troops in the Rann of Kutch region in Gujarat. The military skirmishes ended after British Prime Minister Harold Wilson mediated the crisis and secured a cease-fire. India and Pakistan signed an agreement on June 30, 1965, to solve their disputes amicably through bilateral negotiations, failing which both parties would submit to arbitration by an international tribunal. Though the military operations stopped, the anger and resentment continued in both countries. Meanwhile, the Indian government re-arrested Sheikh Abdullah --whom it had released in April 1964, after eleven years imprisonment -- because he hobnobbed with Chinese Prime Minister Chou En-lai while on a trip to Saudi Arabia and Algeria. The arrest of a popular Kashmiri icon re-ignited anti-Delhi feelings in Kashmir. Spontaneous riots and demonstrations took place all over the province. Smarting under a humiliating defeat, Pakistan decided to once again send its troops in Kashmir disguised as disgruntled civilians. In a military operation code named 'Operation Gibraltar,' armed guerrillas crossed the border to foment civic unrest and help Kashmiris secede from India. Once Pak troops crossed the cease-fire line on September 1, 1965, India retaliated forcefully and attacked

The war had adverse repercussions for the practice of secularism. Once it broke out, Indian Muslims became suspect in the eyes of their Hindu compatriots. The latter demanded that Muslims should forcefully express their support for the Indian government and demonstrate their loyalty to India. But, in the nearly two decades after independence, the plight of Muslims, their backwardness and poverty had worsened. Besides, contrary to the doctrine of secularism, Hindus did not care much for Muslim sensibilities, their culture, and religion, all of which, naturally, made them sullen and despondent. They could not bring themselves to enthusiastically support a regime that did not safeguard their interests. Unfortunately, Hindus misinterpreted Muslim indifference as proof of their 'extra-territorial loyalty' and heaped scorn on them. All told, the Indo-Pak war exacerbated communal tensions in India and rendered even nominal secularism hard to practice. It underscored the futility of expecting domestic communal harmony while pursuing a hawkish foreign policy, particularly vis-a-vis Pakistan.

DIMINUTION OF THE MINORITY CHARACTER OF ALIGARH MUSLIM UNIVERSITY

Just when the Indo-Pak hostilities were worsening, the Shastri government took a controversial step that undermined secularism considerably. In May, 1965, the federal government enacted the Aligarh Muslim University (Amendment) Ordinance which diminished the autonomy of the Aligarh Muslim University[19]-- a premier Muslim centre for higher education in India. The Ordinance, which was later replaced by an Act, took away the powers of the university's governing bodies and reduced them to mere advisory bodies. In the new scheme of things, the federal government acquired a lot of powers to control the

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Lahore. Pakistan had hoped that its ally, the United States, would support the aggression. But, owing to its preoccupation in Vietnam, the US remained aloof. Consequently, after 17 days, the Indo-Pak war ended. The Soviet Union seized the opportunity and negotiated a settlement between India and Pakistan. Prime Minister Shastri and President Ayub Khan signed a peace treaty in Tashkent.

For Indian and Pakistani perspectives on the troubled relations between India and Pakistan and their domestic and international ramifications, see the collection of essays in Thomas, 1992.

[19] Sir Syed Ahmed Khan, a Muslim reformist and educationist founded the Mohammedan Anglo-Oriental College in 1877 which later became the Aligarh Muslim University (AMU) through the Govt. of India Act of 1920. Located at Aligarh in Utter Pradesh, this institution originally had three special features. First, it combined modern, secular education with Islamic religious instruction which was compulsory for Muslims. Second, it was a residential university which enabled Muslims from all over India to pursue higher education. Third, only Muslims could administer the university and become members of its governing bodies. AMU aroused the ire of Hindu nationalists because it was closely identified with the separatist Muslim League in the pre-independence period. After independence, Hindu nationalists and some progressive Muslim leaders demanded that the institution should be imparted a secular character. Thus, in 1951, the federal government amended the Govt. of India Act of 1920 and abolished compulsory religious education. It also threw open the governing bodies to non-Muslims. Only the residential character of the university was left in tact. For details, see Brass, 1974, pp. 223-227. For a critical account of how the federal government has whittled down the minority status of the AMU, see Graff, 1990.

functioning of the university. Muslims resented the government's move because they saw it as yet another attempt to efface the minority character of the institution.

In April 1965, AMU witnessed student agitations over the university's decision to reduce the percentage of seats for technical and professional courses for its graduates from the earlier 75 percent to 50 percent (Brass, 1974:225). Since over two-thirds of the student population comprised Muslims, they felt that the reduction in the percentage of seats would hurt their career prospects. The university's decision created grave misgivings because, since its inception, AMU was a major centre of higher learning for Muslims. The students' strike and violence provided the government an excuse to intrude in the university's affairs. Through the Ordinance, it sought to bring AMU on par with all other central universities. It ignored, on purpose, the fact that the AMU is closely associated with Muslim identity and is a symbol of Muslim renaissance in India. Muslims considered it as 'the citadel of their culture and genius' and feared that in the name of secularising AMU, the government was trying to 'de-Muslimise it' (quoted in Brass, 1974:226).

It could be argued that giving a broader, cosmopolitan orientation to AMU and liberating it from its ghettoised, Islamic character was a progressive measure because it promoted Hindu-Muslim interaction. As in the case of the UCC debate, however, it must be remembered that in the name of reform, a religious or cultural identity cannot be reformed out of existence. Also, from a rational point of view, in the list of priorities for promoting secularism, the federal take-over of the AMU could not have occupied the top place. Then, there was the possibility of promoting reforms within the existing framework of the university rules and administration. Ignoring these options, the Shastri government adopted a confrontational, top-down approach to the university's problems instead of solving them through consensus. In doing so, it not only sent wrong signals to the Muslim community but also undermined one of the few institutions that promoted scholarship and reforms among Muslims.

All told, the steady deterioration in the secular track record of the federal government that started in 1961 worsened during the roughly 18 month tenure of Prime Minister Shastri. Interestingly, the attempts to browbeat Muslims to submit to the hegemonic Hindu designs only served to strengthen their resolve to unite themselves and collectively confront the state. Disenchanted with the Congress, Muslims withdrew their allegiance to the party as a result of which it was badly mauled in the 1967 parliamentary elections and several provincial elections before that. The new assertiveness of the Muslims incurred the wrath of the Hindus as communal riots became more frequent from 1964 onwards. Under such troubled circumstances, Mrs. Indira Gandhi succeeded Shastri, after his untimely death in Tashkent.

CHAPTER 7

INDIRA GANDHI'S CONTRIBUTION TO INDIAN SECULARISM
1966-77; 1980-84

Like her father Pandit Nehru, Indira Gandhi secured the popular mandate thrice (1967, 1971 and 1980) and served as the Prime Minister for 15 years. Unfortunately, the comparison between the two does not extend beyond this point. Nehru, as we saw, was a nation builder, a visionary, and statesman. Indira Gandhi, on the contrary, subverted all the pillars of Indian democracy -- the judiciary, the executive, the legislature and the press -- to perpetuate her rule.[20] To her belongs the dubious distinction of undoing all the achievements of her father.

There could be conflicting views on Nehru's accomplishments, but few can deny that, personally, he was a secularist to the core. Though Nehru tried to impart his progressive values and ideas to his daughter through the numerous letters he wrote to her while in prison, they seem to have had little impact on her. As Malik rightly points out, Mrs. Gandhi neither 'display(ed) any strong commitment to high ethical values,' nor did she have any resolute ideological fervour (1988:10). Nothing, other than the desire for power, motivated her politics. Since she did not consider anything sacrosanct, secularism, socialism, social justice and equality -- all these remained vacuous slogans for garnering votes. Not surprisingly, therefore, the characteristic features of Mrs. Gandhi's long tenure were, as Ashok Mehta, an erstwhile prominent member of her cabinet, put it, 'ad-hocism, pragmatism and populism.' Nowhere in the areas of economic issues, social policies, educational, and cultural policies, was there a coherent ideological perspective. All policy matters were shaped by the exigencies of political survival. Thus, when it suited her politics, Mrs. Gandhi swore by secularism and socialism. On other occasions, she ignored them and implemented policies that undermined their importance.

It would be too simplistic to suggest that secularism did not flourish because of the personal idiosyncrasies of one individual. Several other factors conspired to thwart its institutionalization in politics and the civil society. To understand the chequered trajectory of secularism under Mrs. Gandhi's regime, it is important to appreciate certain contingent factors that greatly influenced her politics.

Mrs. Gandhi came to prominence in politics in the tempestuous '60s, first as the confidant of her father, Pandit Nehru, and then as the President of the Congress. After Nehru's death, Prime Minister Shastri appointed her as a cabinet minister in charge of the ministry of Information and Broadcasting. Following the sudden death of Shastri, Mrs. Gandhi became the Prime Minister on January 24, 1966. Her emergence coincided with some crucial developments in the polity which partly inhibited and partly enabled her to deal with issues concerning secularism. Broadly speaking, they could be classified under the following headings:

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[20] **Several scholars have critiqued Mrs. Gandhi's subversion of public institutions. Rao (1988) provides a critical analysis of how and why she weakened the judiciary and the parliamentary system to suit her political needs. Nayar (1977) narrates the 'inside story' of the Emergency period and explains how Mrs. Gandhi eroded democratic norms and fundamental rights and browbeat the mass media into submission. For an overarching critique of her regime, see Kaviraj, 1986.**

a. Deteriorating economic situation due to natural calamites, two wars, and ill-conceived planning.

b. Rise of interest groups following their limited empowerment and their conflicting demands.

c. Spurt in caste, communal, linguistic, regional, and sectarian conflicts leading to political instability.

d. An intense power struggle in the Congress resulting in the erosion of democracy within the party resulting in its inability to accommodate a plurality of demands.

e. The first major legitimacy crisis of the state.

To avoid prolixity, I shall briefly dwell on these points and explain how they affected the practice of secularism.

THE WORSENING ECONOMIC CRISIS

Around the mid '60s, India's economy hurtled on a downward slope due to a variety of reasons. Before it could recover from the losses of the Indo-China war of 1962, the economy was battered by the Pakistani aggression in 1965. Both wars took a heavy toll of economic resources. To compound the problem, India had to face severe droughts for two years in a row due to the failure of the monsoon. Furthermore, since independence, development was slow and uneven. Inegalitarian distribution of economic resources and unimaginative, elitist planning were the Achilles heels of the Nehru regime. Consequently, when Mrs. Gandhi assumed office, the nation faced serious food shortages following a drop in agricultural production. Inflation set in and prices of food grains increased by 32 percent (Frankel, 1978:293). Though a staggering 25 million tons of food grains were imported, it mitigated the situation only marginally.

The economy was stagnant and the little gains it made were offset by the population growth rate. In 1966, India's exports were less than what they were in 1951, resulting in low foreign exchange reserves of US $ 383 million (Mehta, 1979:31). With low agricultural production and sluggish industrial development, it was no wonder that at the end of the Third Five Year Plan (1961-66), the rate of unemployment was alarming with an estimated 12 million people without jobs (Frankel, 1978:293). Food grains and financial assistance from the US temporarily checked the deterioration of the economy. But, for putting it back on rails, the Indian government had to turn to the IMF for a loan. The IMF agreed to provide a loan on the condition that the rupee was devalued to serve as a disincentive for imports and to boost exports. Accordingly, the federal government devalued the Indian rupee by 36.5 percent. In return, the IMF approved a loan of US $187 million, and the United States also provided additional aid.

The grave economic crisis provided room for activating exclusivist interests based on communal, caste, regional, linguistic, and sectarian grounds. It engendered riots, protests, demonstrations, and agitations all over the country. At different places they took different forms. As we saw, states in the north witnessed an escalation of Hindu-Muslim clashes, the prominent ones being Jabalpur in Madhya Pradesh, Jamshedpur in Bihar, and Rourkela in Orissa. In January 1965, a massive anti-Hindi agitation took place in Tamil Nadu in the south. The Tamils did not like the federal imposition of Hindi as the sole official language and wanted prominence for Tamil. Some months later, the provinces in the north-east, particularly Assam, Nagaland, and Meghalaya were in turmoil, demanding equitable treatment from the federal government and greater regional autonomy. The Mizo rebels in the north-east launched an armed struggle against the Indian state to secede from the nation. In Bengal also, angry protesters, led by the communists, organized demonstrations and strikes opposing the hike in prices of essential commodities.

THE RISE OF COMPETING INTEREST GROUPS AND REGIONAL ELITES

In addition to the worsening economic crisis and the authoritarian, centralizing nature of the state, what precipitated the various agitations was the rise of competing interest groups and regional elites (Manor, 1983:725). As an off-shoot of the limited reforms initiated during the Nehru regime, a slow and imperceptible change came about in the social character of the polity. Different interest groups came into their own and agitated to maximize their share of the economic pie. In almost all cases, they were led by members of the subaltern, non-Brahmin castes belonging to the middle and lower middle classes. The plurality of interest groups made Indian democracy more lively. But it also called for the reconciliation of their conflicting demands and required an engagement that was at once mature and equitable. Secularism could not have flourished in a polity that failed to balance the rival claims of different interest groups. Unfortunately, the rise of interest groups coincided with the gradual inability of the Congress to deal with them in an appropriate manner. We shall come to this point presently.

THE PERCEPTION OF MRS. GANDHI AS A 'WEAK' PRIME MINISTER

Taking advantage of the climate of social unrest, soon after Mrs. Gandhi became the Prime Minister, Hindu nationalists once again launched an anti cow slaughter agitation in November, 1966, in Delhi and other northern cities. Senior Congress traditionalists were chagrined because Mrs. Gandhi, who was a young and junior leader, had overtaken them in the race for the Prime Ministership. They joined hands with the Hindu nationalists to embarrass Mrs. Gandhi whom they considered a callow administrator. Their intention was to destabilize her and force her to resign. On November 7, the agitators staged a mammoth demonstration in front of the Parliament. Hindu nationalist leaders made provocative speeches against the government and urged the crowds to storm the Parliament building, breaking the security cordon. As the crowds surged toward the Parliament, the police tried to disperse them using force. In the ensuing melee, eight people died (Jaffrelot, 1996:207).

Mrs. Gandhi dealt with the agitators sternly and subdued the movement with an iron hand. She fired her Home Minister, Gulzarilal Nanda, whose department was responsible for maintaining law and order. A traditionalist and a senior Congressman, Nanda had a soft corner for the *sadhus* (Hindu gurus) and Hindu nationalists involved in the anti cow slaughter agitation. Besides, he was not reconciled to his subordinate position under Mrs. Gandhi, his junior in the party.

In dealing harshly with the agitators, Mrs. Gandhi seemed to be upholding secularism. Even if that were true, it was not the principle reason why she acted in a determined manner. The real reason, of course, was that Mrs. Gandhi was aware of the shenanigans of the traditionalists in the party and wanted to neutralize them. She was also opposed to the RSS and Jan Sangh, as these bodies had ideological affinities with the Congress traditionalists and were in cahoots with the latter in trying to dislodge her. In any case, the whole episode proved that, given the political will, the state had the requisite strength to take on the forces of Hindu nationalism.

THE CHALLENGE OF THE 1967 ELECTIONS

Aside from winning the leadership race, the first major political battle that Mrs. Gandhi faced was the task of winning popular mandate for her rule. The fourth general election of 1967--the first in the post Nehru period--was unique in many respects. The Congress was going to the electorate as a considerably debilitated body. Prolonged bouts of lawlessness had eroded its image as the provider of stable governments. Recurring communal riots, the Shastri government's interference in the autonomy of the Aligarh Muslim University, and the downgrading of Urdu in Bihar and UP had built up a huge reservoir of resentment against the Congress. The heavy handed actions of the Congress in the post Nehru period confirmed the minorities fears that unlike Nehru, his successors would not safeguard their interests.

The Congress also had to deal with the ticklish question of distribution of party tickets[21] which created dissatisfaction among senior party members, many of whom were

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[21] Unlike the Canadian system, the distribution of party nominations to contest elections is decided, not by the voters of a constituency, but by the apex body of every political party. In the case of the Congress, the Prime Minister, the party President and the Congress Working Committee, an 'elected' body usually packed with the Prime Minister's supporters, decide the list of candidates and their ridings. Technically, they take into account the winning prospects of the rival claimants while allotting the party tickets. But, in reality, the distribution of tickets is a critical exercise in building a solid phalanx of supporters. Mrs. Gandhi wanted to ensure that her staunch supporters got the nominations so that they would, upon being elected, support her for the Prime Ministership. The traditionalists opposed to Mrs. Gandhi wanted to favour Congressmen from their group in order to defeat her in the leadership race. In 1967, Mrs. Gandhi clashed with the party President K. Kamraj and eventually succeeded in getting her nominees selected. In the process, she alienated several senior party members who, by virtue of their seniority and their long innings in power politics, had built up an impressive patronage network. Bereft of their support, the Congress suffered reverses for the first time after independence.

bitter because Mrs. Gandhi sidelined them. Finding themselves totally outnumbered by her coterie of supporters, veteran traditionalists walked out of the party and joined hands with the opposition. Their desertion was to prove costly for Mrs. Gandhi. Of them, many were local notables whose main resource was their strong networks of patronage that they used to mobilize support for the Congress. Besides, there were several former princes and members of royal families whom the Congress cultivated for their feudal/royal connections. But the mainstay of the Congress in the three previous elections was its strong bonds with the scheduled castes (dalits), scheduled tribes (aborigines) and the minorities (Mehta, 1979:29). Through its policies and programmes or lack thereof, the Congress had alienated considerable segments of its traditional allies.

Consequently, in the 1967 elections, the Congress performance was poor. It got 284 seats out of 520 and managed to secure 40.92 percent of the popular vote (quoted in Frankel, 1978:356). In the 1962 election, Nehru had got 44.72 percent of the votes and 361 seats. Though its margin of popular vote dropped by just four percent, the Congress got 77 seats lesser than the previous election. Accustomed to enjoying huge majorities in the Lok Sabha, it scraped through with just 25 seats more than the minimum required. At the provincial level, the Congress was wiped out in eight provinces: Bihar, Kerala, Tamil Nadu, Orissa, Punjab, Rajasthan, Utter Pradesh and West Bengal (Frankel, 1978:307).

The Congress debacle was mainly due to the alliance of the opposition parties and the loss of support of the Congress rebels who quit the party earlier. A significant portion of the Congress votes went to two right wing parties: the Swatantra party[22] and the Jan Sangh (the earlier incarnation of the BJP). The former got 42 seats (as against the 18 it won in 1962) and the latter got 35 seats, a vast improvement over the 14 seats it held in 1962 (Frankel, 1978:308). Similarly, at the provincial level, the beneficiaries of the Congress defeat were the Jan Sangh and the Swatantra Party.

The outcome of the 1967 elections, both at the federal and provincial levels, had serious implications for the practice of secularism. It brought into bold relief the cracks within the Congress monolith and provided a niche of respectability to the Hindu nationalist Jan Sangh, which was smarting under a cloud of opprobrium after the assassination of Gandhi in 1948. Till the mid '60s, the RSS and the Jan Sangh were considered political pariahs and no party was willing to associate with them. This ostracization and Nehru's dedication to secularism had confined them to the periphery of Indian politics. After Nehru's death, the Hindu nationalists tried to expand their popular base through different strategies of ethno-religious mobilization. One of them was the cow protection movement they launched in 1966. Mrs. Gandhi crushed the agitation ruthlessly. But the downside was that she alienated Hindu traditionalists who shifted their support to her opponents. Thus, Mrs. Gandhi realized that politics was a fine balancing act and that the practice of secularism had to be tailored to the exigencies of electoral politics. As for the Hindu nationalists, after being rebuffed by Mrs. Gandhi, they decided to join hands with Congress traditionalists and other political forces in their bid to frustrate her politics. Thus began a bizarre experiment in coalition politics.

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[22] Formed in May 1959, the Swatantra party (Freedom party) comprised traditionalists who were fiercely opposed to Communism. Its leading lights were C. Rajagopalachari, Minoo Masani and N. G. Ranga who quit the Congress over their differences with Nehru's socialist policies. The Swatantra party promoted the interests of the landed aristocrats, ex-princes, feudal barons and monopoly capitalists. It was a staunchly conservative party that fought for a free enterprise economy and the resurgence of Hindu values. Till 1967, the Swatantra party was not able to make much impact on the electorate. It came to limelight in 1967 when it won 42 seats and became the principal opposition party. The party is now defunct. For details of the party and its ideology, see Erdman, 1967.

THE SVD COALITION AND ITS IMPACT ON SECULARISM

On the eve of the 1967 elections, the Jan Sangh entered into an electoral alliance with the Swatantra Party in several provinces like Madhya Pradesh, Utter Pradesh, Rajasthan, Gujarat, Bihar, Andhra Pradesh, Orissa, Assam, Haryana, Punjab and so on. As a result of their seat adjustments in a majority of the constituencies, they were able to perform well in both the parliamentary and the provincial elections. Overall, in the various provinces, the Swatantra party bagged 256 seats (as against 171 in 1962) and the Jan Sangh secured 268 seats in a marked improvement over the 116 seats it managed to get in 1962 (Frankel, 1978:308). Though impressive, their numbers were not enough to form provincial governments on their own.

Not wanting to renounce the opportunity of exercising power, the Jan Sangh formed a coalition with a congeries of opposition parties in provinces like Madhya Pradesh, Utter Pradesh, Bihar, Haryana and Punjab and formed the Samyukta Vidhayak Dal (United Legislators Group, SVD, hereafter) (Frankel, 1978:362-365; Graham, 1970:9-26; Jaffrelot, 1996:221-226). The SVD was an odd combination of discrete political entities that included the Jan Sangh, Swatantra Party, Jana Congress (Peoples' Congress, an outfit of the Congress rebels), the Samyukta Socialist Party (United Socialist Party), the Praja Socialist Party (Peoples' Socialist Party) and the Communist parties. It held in fine balance Hindu nationalists and the proponents of free enterprise on the one hand; the socialists and communists on the other.

None of the constituents of the SVD had any illusions about the ideological coherence of the new entity. The glue that held them together was their opposition to the Congress. Since independence, the Congress had straddled the political landscape like a colossus. In three general elections and several provincial elections, the constituents of the SVD had individually tried to dislodge it from office. When such attempts repeatedly failed, in sheer desperation they committed themselves to a course of action that was contrary to the very *raison d'etre* of their existence. Before I analyze the implications of the SVD for the various constituents and for secularism, I wish to explain how its politics unfolded in the provinces where it assumed office.

Given the composition of the SVD, it could not have had a cogent set of policies and programmes to implement. Other than the desire for power and their anxiety to prevent the Congress from forming the government with the help of splinter groups, the constituents of the SVD had nothing in common. Not surprisingly, they restricted their policy statements to nebulous promises like providing an efficient government, curbing corruption and so on. But once in office, the dominant members of the coalition frantically tried to push their partisan agenda and provide patronage and employment to their party men. They were particularly keen on installing their trusted lieutenants in key positions of authority in the bureaucracy and the government. The junior members of the coalition resented such moves and threatened to bring down the government.

In Madhya Pradesh, where the Congress had won the majority and formed a government under D. P. Mishra, the Jan Sangh formed the SVD and enticed some disgruntled Congressmen to join its group. 35 Congress rebels crossed over to the SVD and, in recognition of their crucial votes and substantial numbers, the Jan Sangh allowed the rebel Congress leader G.N. Singh to become the Chief Minister (Jaffrelot, 1996:223). It demanded, however, the crucial education portfolio for one of its members because it wanted to orient the school curriculum to the RSS agenda. When Singh refused to entertain its demand, the Jan Sangh settled for the equally crucial Home Ministry. As the Home Minister, the Jan Sangh's nominee, V. K. Saklecha, favored bureaucrats adhering to the RSS ideology and transferred those opposed to it (ibid.). The Jan Sangh also managed to pass a statute banning all conversions to Christianity except those that were 'voluntary' (a fact that was hard to prove) and tried to block government aid to missionary schools in tribal areas (Jaffrelot, 1996:224). The left oriented socialist MLAs protested the partisan policies of the Jan Sangh and withdrew support from the coalition. As frictions among the coalition partners worsened, the Congress lured the rebel Congressmen of the SVD to re-defect. In March 1969, G. N. Singh went back to the Congress with 20 MLAs and the party returned to power.

In Bihar and Utter Pradesh also the SVD coalition could not remain in power for long. In Bihar, the communist members of the SVD wanted to make Urdu the second official language of the province. But members of the Jan Sangh stiffly opposed the move (ibid.). In Utter Pradesh, the 98 MLAs of the Jan Sangh were part of the SVD coalition led by a rebel Congressman, Charan Singh. Here again, the communists wanted to make Urdu the second official language (Jaffrelot, 1996:225). Interestingly, though they threatened to resign, the Jan Sangh MLAs did not do so. Nevertheless, they soon clashed with the communists and the socialists. This time, the leftists were annoyed with the Deputy Chief Minister cum Education Minister, a member of the Jan Sangh, for unduly promoting the Saraswati Sishu Mandir schools - educational institutions run by the RSS (ibid.). On the insistence of the communists and the socialists, the Chief Minister, Charan Singh, stripped the Jan Sangh minister of his portfolio. Not unexpectedly, Hindu nationalists were incensed and the Chief Minister had to resign in February 1968 following the withdrawal of support by the Jan Sangh.

If the SVD experiments in Bihar, Madhya Pradesh, and Utter Pradesh collapsed due to ideological differences, elsewhere it was plain opportunism that led to their downfall. Interestingly, both the Congress and the SVD were vulnerable. Thus, in Punjab and Haryana, the SVD ministries fell because some coalition members crossed over to the Congress. Similarly, in Utter Pradesh, Madhya Pradesh and Haryana, the Congress originally formed the government. But, in all three cases, it lasted in power for barely a couple of weeks. Congressmen brought down their own governments in the three provinces by defecting to the SVD ignoring the fact that the combination of Jan Sangh and the Swatantra Party gave it a preponderantly Hindu nationalist orientation, although in some instances, the leftists and the socialists had the upper hand.

Thus, soon after the 1967 election, both the Congress and the SVD engineered defections with alarming frequency, and both camps spared no efforts to poach on venal MLAs to bolster their strength. In three years, between 1967 and 1970, a record 1,827 defections took place out of a total of 3, 487 Assembly seats, as a result of which 23 governments were constituted and collapsed in seven provinces: Bihar, Haryana, Madhya Pradesh, Kerala, Punjab, Utter Pradesh and West Bengal (Frankel, 1979:365). In the absence of a stable alternative, the federal government had to clamp President's rule in five provinces.

Aside from the obvious fact of phenomenal political instability, administrative paralysis, and political corruption, what is the significance of the SVD experiment and how did it affect the practice of secularism? It graphically revealed, for the first time after independence, the antinomies of Indian secularism and the depth of the secular commitment of the entire political spectrum. Through their amoral politics, both the members of the Congress and those of the SVD proved that Indian politics is based less on ideological issues and is a thinly disguised exercise in the pursuit of power.

If there was one party that gained the most from this experiment, it was the Jan Sangh. This statement might seem paradoxical because, by joining the SVD, it appeared to jettison what were deemed to be its distinguishing characteristics. For instance, the Jan Sangh openly collaborated with the communists and socialists whom it had excoriated all along. Also, it had to soften its patent demand concerning primacy for Hindi, something that it has renounced in the recent years in order to be more acceptable in the southern provinces. Nevertheless, if the Jan Sangh reneged on its cherished convictions, it was not for want of political sagacity but to attain long-term gains. It pursued a meticulously drawn blueprint based on its need for respectability and to infiltrate critical sectors of the bureaucracy, government, and civil society. The uniqueness of the strategy was that no matter what scenario unfolded, the Jan Sangh would be able to capitalize on it.

The formation of the SVD inaugurated the formal acceptance of the Hindu nationalists in the political arena. By entering into an alliance with the Jan Sangh, all the mainstream parties treated it on an equal footing. More than the literal act of co-operating with the Jan Sangh, symbolically, it was an affirmation of the legitimacy of exclusivist Hindu nationalism and all that it stands for. In taking the initiative to form the SVD, the Jan Sangh was motivated primarily, by a desire to camouflage its exclusivist/elitist character and be seen as the only viable political entity capable of providing an alternative to the Congress.

In addition to political respectability, the Jan Sangh was desperately seeking an opportunity to wield power for two reasons. First, for far too long the committed cadres of the RSS, Jan Sangh, and other allied bodies had immersed themselves in the Hindu nationalist cause, without much hope of tangible rewards. Unlike the Congress which increased its ranks in a vertical fashion by co-opting local notables, the Jan Sangh and RSS opted for the more painstaking process of ideological indoctrination to win supporters. This is a slow, gargantuan task requiring immense patience and commitment. As dedicated as they were, their cadres naturally yearned for political patronage and the trappings of power. Through the SVD experiment, they were able to savour power for the first time.

Second, the Jan Sangh wanted to prove to its constituents that it was serious about realizing the goal of Hindu nationalism. Hence, within the short span of time it was in office, it tried to push its agenda through measures such as outlawing 'forcible' conversions, stopping grants to missionary schools and the like. A related consideration was to acquire the halo of martyrdom by projecting itself as a serious political body thwarted by the communists and socialists. It calculated that this interpretation would be consistent with its oft-stated claim that 'pseudo-secularists' (i.e. the communists, socialists, Congressmen and others) were frustrating its exertions for the resurgence of a powerful Hindu nation.

A revealing aspect of the SVD experiment was that it exposed the infirmities and ideological predilections of the Congress. As we saw, Congress legislators shifted their allegiance to the SVD and then back to the Congress with impunity. These acts proved the communal character of the party and the scant regard its members had for what the party variously touted as 'Congress values' 'Nehruvian consensus' and the like, one of whose cornerstones supposedly was secularism. Evidently, Congress law makers and the rank and file of the party did not have any inhibitions about joining hands with the Jan Sangh, if that provided access to power. The party High Command also did not chastise its errant members for strengthening communalism. In fact, in several instances when the defectors returned to the Congress, the party welcomed them and formed the government with their support. Of course, in some cases, the party leadership did not give tickets to inveterate renegades but stopped short of ousting them from the party. In any case, the Congress did not renominate MLAs mostly because they had antagonised the provincial party bosses by destabilizing their governments. Failure to honour secularism was never a serious concern or cause for initiating disciplinary action.

At one level the party leadership's dilemmas were understandable. If it had laid down that support for Hindu communalism was the litmus test for expelling members, then that would have led to the virtual disintegration of the party. Also, the party elites were worried that those expelled might go back to the Hindu nationalist camp, because affinity to Hinduism and Hindu nationalism was the common denominator uniting Congress cadres and leaders alike. Only, the more discerning among them did not approve of the overtly exclusivist and confrontational postures adopted by the Jan Sangh. Instead, they wanted a more 'benign' Hindu umbrella under which they were ready to allow the religious minorities to function provided the latter willingly accepted their subordinate position and did not push their demands for equal rights too far. The Congress, in fact, had successfully put in place such a neat arrangement and that explained its earlier cohesion. All these factors suggest that as genuine as its predicament was in the post 1967 scenario, it did not absolve the Congress leadership of its lackadaisical approach to secularism since independence, particularly to the question of inculcating it as a core value among its cadres and in the civil society.

The most intriguing part of the SVD phenomenon was that the socialists and communists made common cause with their arch foes, the Jan Sangh and Swatantra Party. How could political parties that stood at the opposite ends of the political spectrum come together and why? As stated earlier, anti-congressism and plain political opportunism explain, to a large extent, the grotesque SVD alliance. Like the Hindu nationalists, the socialists were marginal players in Indian politics till the death of Nehru. They too wanted to use state power to buttress their political movements and augment their numbers. But their fatal flaw was that they suffered from the lack of ideological clarity.

Generally speaking, the socialists, led by their chief ideologue, Ram Manohar Lohia, advocated a fusion of Marxism and Gandhianism which, they claimed, was most suited for India. Though their critique of Brahmanical social structures was brilliant, they failed to evolve a well-conceived course of action. Besides, the socialist movement, centred as it was around personalities rather than programs, was often prone to splits. Under Lohia, the Socialist Party developed a strong anti-Congress thrust as a result of which it seemed to ignore key questions concerning secularism. As for the communists, considerable divergence of opinion existed among them about the attitude they should adopt vis-a-vis the Congress.[23] The common perception of the leftists was that the Congress was a largely feudal, status-quoist, big bourgeios dominated party that had successfully coopted the subaltern castes and classes by providing sops and subsidies to their elites. Since its inception, the Congress was involved in protecting the interests of the propertied castes and classes while paying lip sympathy to the rhetoric of radical social transformation. The question, then, for the left was whether it should oppose the Congress as a conservative political formation, or, should it support the party because it, at least theoretically, asseverated its faith in socialism, secularism, and centralized planning.

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[23] The communist movement started in India in the early 1920s. Since then the Communist Party of India (CPI) has been caught in an intractable ideological bind. Initially, the party ignored the Congress led freedom movement as one led by 'reactionary' forces. But later, it revised its stance in keeping with the Dimitrov thesis adopted at the International Comintern in the '30s. After independence, at the 1948 Calcutta Congress of the CPI, a significant section of the leadership led by B. T. Ranadive denounced Indian independence as 'fake' and advocated an ultra radical, insurrectionary line to bring about basic social change. Accordingly, in the '50s, the party started a revolutionary peasants movement at Telangana in Andhra Pradesh and similar working class movements elsewhere. But, a section of the CPI led by S. A. Dange and P.C. Joshi --doyens of the communist movement-- argued that the national bourgeoisie was the natural leader in the struggle against imperialism and feudalism and hence urged co-operation with the Congress. During Nehru's period, the CPI supported him and the progressive segment of the Congress because of their dedication to socialism. Though it had misgivings about the Congress policy of implementing radical reforms through the Constitutional framework, the CPI pursued a strategy of discursive engagement with the Congress, among other things, for gaining legitimacy for itself. It also hoped to come to power by isolating the progressive sections of the Congress. After Nehru's death in 1964, the Ranadive thesis once again assumed prominence and some leaders led by Namboodripad, Harkishen Surjeet and Jyoti Basu rejected constructive engagement with the Congress. Instead, they wanted the CPI to oppose 'the bourgeois-landlord government' of the Congress. They rejected Dange's thesis that failure to support the Congress would strengthen the imperialists and their Indian supporters, viz., the Jan Sangh and RSS. But, overpowered by their fierce opposition to the Congress, the proponents of radical politics, walked out of the CPI and formed the CPI (Marxist). Thus, the Communist party split,among other things, on the question of the its strategy with respect to the Congress. Dange and his associates in the CPI continued to support the Congress even after the break-up of the party. For details of the split in the CPI, see Ram, Mohan (1970).

During Nehru's regime, this debate was not central because the Hindu nationalists had not come into their own. But, after his exit, it acquired prominence raising troubling questions about political praxis. Serious arguments raged in communist circles with those favoring co-operation with the Congress being dubbed as class collaborationists. In 1964, the party broke up, among other things, on this question. Although the Communist Party of India (CPI) stood for supporting the Congress, the latter rebuffed its overtures initially. Only after the Congress split in 1969 did Indira Gandhi gravitate toward the CPI for support. In the intervening period, when the polarisation of political forces was not complete, the two Communist parties opposed the Congress, thereby reflecting their confusion over the appropriate course of action.

Regardless of the reasons, important for our discussion is the fact that, wittingly or otherwise, the communists collaborated with the Hindu nationalists and contributed to the enhancement of their legitimacy. The ineluctable conclusion that follows from the conduct of the various parties vis-a-vis the SVD formation is that they did not appreciate the crucial importance of fortifying secularism and isolating the Hindu nationalists from the political mainstream.

Having noted this point, one still has to ask: how did the Jan Sangh and the Swatantra Party acquire a sizeable mandate in the first place, a fact that enabled them to be a major players in the SVD coalitions? The answer lies in the chronic economic stagnation and the steady de-institutionalization of the Congress. Both factors diminished the ability of the Congress to achieve national cohesion and provide a stable government. The opposition--particularly the Swatantra Party--strengthened by the defection of disgruntled Congressmen, tapped popular discontent over the non-performance of the Congress and harvested all the anti-Congress votes. What precipitated this process was the decay of the Congress which opened up space for the Hindu nationalists to occupy.

THE DE-INSTITUTIONALIZATION OF THE CONGRESS

In 1969 the Congress split into two groups: Congress (Requisition, henceforth Congress R) and Congress (Opposition, henceforth Congress O).[24] Ostensibly, what precipitated the cleavage was ideological issues concerning economic policies, but it was little else than intra elite struggle for supremacy in the Congress. Congress traditionalists--the old guard of the party--wanted to manipulate Prime Minister Indira Gandhi to suit their political agenda. Once in office, Mrs. Gandhi sidelined them and tried to assert herself. Angered, the traditionalists tried to dislodge her from office through several devious means including supporting the parties opponents in the Hindu nationalist camp.

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[24] For a critical analysis of the circumstances leading to the split in the Congress, see Candland, 1997.

To discredit her detractors and to publicize her pro-poor credentials, Mrs. Gandhi initiated a series of symbolic measures like the nationalization of banks and insurance companies, the abolition of privy purses for the ex-royal families and so on. She also reiterated her commitment to socialism and secularism and projected the challenge to her leadership as attempts to undermine these goals. Eventually, when the segments affected by these measures tried to overthrow her, Mrs. Gandhi pre-empted them by splitting the party.

Although the struggle for political supremacy was the main factor that split the Congress, the authoritarian ways of Mrs. Gandhi and her total disregard for inner party democracy also contributed to its deinstitutionalization. By refusing to accommodate the interests of a number of interest groups, she gave cause for severe dissatisfaction. Even after the split, as the chief of the Congress (R), Mrs. Gandhi ran the party like a dictator, promoting her sycophants and factotums and deliberately sidelining popular leaders with a mass base of their own. She never tolerated any criticism of her policies and was paranoid about being upstaged by the more ebullient younger guard. The lynchpin of her political strategy was to thwart the emergence of new leaders within the party. She achieved her goal by stifling all democratic norms and encouraging dissidence among the party leaders. The net result was that from a mass based party, under Mrs. Gandhi's stewardship, the Congress became an instrument for the aggrandisement of the Nehru family. Before long, it started decaying and lost the ability to articulate popular aspirations.

If, in spite of her dictatorial policies and undemocratic ways, Mrs. Gandhi succeeded in politics, it was because her opponents were divided on ideological and personality issues. Besides, the rhetoric of socialism and secularism, and the popular perception of Mrs. Gandhi as the bearer of the Nehruvian legacy, helped her immensely.

The disintegration of the Congress had grave consequences for secularism. In spite of all its drawbacks, the undivided Congress had honed a system of accommodating and reconciling a multitude of social forces through elite pluralism strategies such as co-opting the local notables and sub-elites, and, providing patronage to clamorous interest groups based on caste, creed, sect, language, religion, and region. Enough room existed within the party for the various pressure groups to put forward their demands and secure their resolution through legitimate and peaceable means. It does not, therefore, follow that the Congress was an abode of social harmony. Contrarily, it was often the arena of intense factional competition. But the party thrived on competition and allowed its open enactment.

Insofar as it encouraged factional politics and saw it as a normal expression of grassroots democracy, the party fulfilled a significant role: it schooled people, nationwide, in the ethos of democracy. No matter how imperfect this process was and what its lacunae were, its greatness lay in the fact that it worked and contained popular passions within a broadly democratic, all-inclusive framework. Most importantly, though by no means either egalitarian or satisfactory, the chief merit of the Congress mode of operation was that it obviated the need for extreme and exclusivist idealogies for political mobilization. Its strength lay in its ability to secure an 'inter-communal consensus' on national issues, which, no matter how inadequate, provided a reasonable framework for the resolution of disputes (Nauriya, 1991:2675). This fact, to a large extent, explains why the Congress was able to retain its hegemony over a country of continental proportions.

While the Congress was a perfect vehicle for propelling Indian democracy, its very structure and functioning imposed certain constraints. To function well, it required robust inner party democracy. As an authoritarian body, the Congress could never exist. It could also never deliver if its structures were distorted for personal aggrandisement. Accommodation, not exclusion, was the key to its success. Contradictory though it might seem, the very success of the Congress created conditions that rendered its management more difficult. As the Congress introduced democracy, new interest groups arose and craved for accommodation. Admittedly, therefore, the task of running the Congress became more challenging as years rolled by.

After the initial euphoria of freedom died down, the elites of the Congress found its constraints tiresome. The rise of new interest groups made the problem almost intractable. At a time when the party needed a sensitive leadership, Mrs. Gandhi arrived on the scene. Driven by her vaulting ambition, she had little patience for a party that required adherence to democratic norms. To realize her dreams, she had to remould the party to suit her objectives. In the process, she alienated interest groups and drove them to the arms of the opposition parties that espoused extreme ideologies. She thus destroyed what, in the existing circumstances, was the only standard bearer of secularism, albeit of a watered-down, minimalist type. A caveat is in order at this point. It is not my brief that the undivided Congress represented the ideal type of secularism that its offshoots did not. In equating the fortunes of the Congress with the fate of secularism, I am arguing that its somewhat perfunctory espousal by the Congress was preferable to the outright hostility of the Jan Sangh to the very concept of secularism. At the very minimum, it provided the scaffold for building the edifice of secularism.

FURTHER EROSION OF SECULARISM

Coinciding with the leadership crisis in the Congress and the weakening stability of the federal government, forces inimical to secularism had gained the upper hand. Numerous Hindu-Muslim riots had rocked the nation in the years preceding the 1971 general elections. In 1969, 519 incidents of communal violence took place and the number increased to 521 in 1970 (quoted in Hasan, 1997:259). Unfortunately, the worst riot took place at Ahmedabad in Gujarat in September 1969 in which 674 people, mostly Muslims, died (Puri, 1993:2144). People hoped that Mrs. Gandhi would make a difference to this grim scenario. What was urgently required was stern action against communal forces and imaginative socio-economic programmes for the amelioration of the minorities and the lower castes. On both counts, her administration foundered.

Of the many factors that precluded Mrs. Gandhi from providing the much needed healing touch, three were particularly significant. She had little control over one factor, but the other two could have been remedied. Just as Mrs. Gandhi emerged victorious from the from the fifth general election in March 1971, massive civil disturbances broke out in neighbouring East Pakistan[25] (currently Bangladesh). India had to intervene not only to protect its geo-strategic interests but also on humanitarian grounds. The Indo-Pak war, the rehabilitation of nearly ten million refugees, and the pressing need to provide aid to the newborn Bangladesh, imposed unbearable burdens on the tottering Indian economy. Pakistani atrocities in the east and its unprovoked attack on India heightened anti-Muslim feelings among the Hindus. They expected Indian Muslims to condemn Pakistan and exhibit their patriotism for India at the time of the war. But, after being neglected by successive governments for nearly 25 years, Muslims could not summon the enthusiasm to effusively support the Indian intervention. Their passivity and the worsening economic situation were a fatal combination for communal harmony.

In the interest of upholding secularism, Mrs. Gandhi ought to have reined in the nationalist passions of the Hindus or at least ensured that they did not acquire jingoistic overtones. But, she did nothing of that sort. Instead, she encouraged a macho, militant nationalism and revelled in the adulation and support that the victory in the Indo-Pak war engendered. Though the exultation was understandable, what was worrisome was that, instead of emphasizing the victory of India over Pakistan, it seemed to underscore the triumph of Indian Hindus over Pakistani Muslims. Consequently, while the Hindus were elated, the Muslims were filled with fears about their security and well-being.

THE DEEPENING OF THE LEGITIMACY CRISIS OF THE STATE

To camouflage the lapses of her administration, Mrs. Gandhi continued to blame the 'right wing political forces.' But that did not mitigate the impending crisis. Between mid 1973 and mid 1975, a series of developments took place that completely eroded the credibility of Mrs. Gandhi and shook peoples' faith in the legitimacy of the state. Before we analyze these cataclysmic developments, it is important to note that Mrs. Gandhi squandered the phenomenal legitimacy her government had in the early '70s within a short span of time. Far from being a fortuitous development, however, the systemic crisis was brewing since a long time and took a number of years before reaching a flashpoint.

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[25] The Punjabi dominated leaders of Pakistan based in the West refused to acknowledge the growing force of Bengali nationalism in East Pakistan. They had consistently maltreated the Bengali Muslims in East Pakistan and did not take steps to develop the region. In March 1971, the Bengali nationalist Awami League, led by the charismatic Sheikh Mujibur Rehman, secured legislative majority in East Pakistan. When the leaders based in the west ignored the democratically elected Rehman, his party launched a secessionist movement. In late March, 1971, Pakistani troops moved into the east and unleashed repression and terror to subdue the secessionists. Large scale civil disturbances erupted and the Pakistani troops killed nearly three million Bengali nationalists. The Awami League retaliated by forming its own military force, Mukti Bahini. As the civil war raged, about nine million refugees from East Pakistan migrated to India, forcing the Indian government to intervene. Mrs. Gandhi ordered Indian troops to liberate East Pakistan. In less than two weeks, Indian security forces forced Pakistan to surrender. Thereafter, a new nation, Bangladesh was born.

The shortage of food grains which had assailed the Indian economy in the mid '60s once again became acute. The monsoon had failed in 1972 and several parts of the country had suffered from prolonged bouts of drought. The accumulated stocks of food grains had to be used for rehabilitating the refugees from Bangladesh. Earlier, the war with Pakistan had depleted the national coffers. To make matters worse, the price of crude oil and petroleum products rose steeply, thereby imposing an unbearable burden on India's foreign exchange reserves. All these factors combined to produce an inflationary trend in the economy. In Gujarat, food scarcity became so acute that prices rose by over a hundred percent within a year. The provincial Congress government, mired in factionalism and corruption, ineptly handled the food crisis and provoked students and the lay public to launch a massive agitation (Kaviraj, 1986:1702). Thousands of students took to the streets, organized mass protests and strikes, and brought life to a standstill in several cities.

Incapable of providing prompt relief, the government unleashed police repression and atrocities to quell the agitations. Soon, riots spread throughout the province and attracted millions of supporters. They demanded that the provincial Congress government should quit and fresh elections be held. The right wing opposition including the Jan Sangh, the Swatantra Party and the Congress (O) and the socialists lent their support to the students. Sensing the truculent mood of the agitators, Mrs. Gandhi reluctantly dissolved the Gujarat legislative assembly and ordered fresh polls.

Within a short period, the Gujarat agitation spread to Bihar. A similar mass movement erupted there, with students protesting against unemployment and the scarcity of essential commodities. The student wings of the Jan Sangh and the Socialist Party took the lead in organizing the mass demonstrations. The movement gained strength when Jai Prakash Narayan (popularly known as JP), a veteran Gandhian and a former Marxist, agreed to lead the students. He was widely respected as a man of probity and vision. JP gave a new direction to the student protests by positing the concept of 'Total Revolution' by which he meant a complete overhaul of the socio-economic, political and cultural institutions to make them vehicles of popular aspirations. Although JP advocated non-violent protest, large scale violence, arson, looting, and civil disturbances accompanied his movement. Police atrocities only exacerbated the tensions and annealed the resolve of the demonstrators to overthrow the Congress regime in Bihar. The JP movement, as it was popularly known, aroused new hopes among the marginalized and showed signs of spreading to other provinces as well.

Meanwhile, the working class, being hard hit by the economic downturn, also joined anti-government protests. Declining wages and a precipitous fall in their real income had created resentment among the workers. Notably, in April 1994, the 1.7 million railway employees belonging to the National Coordination Committee for Railwaymen's Struggle, called for an all India railway shutdown as the government rejected its demands for higher wages. The federal government crushed the agitation by invoking draconian laws such as the Maintenance of Internal Security Act (MISA) and Defence of India Rules (DIR). In all, it arrested over 50,000 railway employees and dismissed 15,000 others (Frank, 1977:464). Though the Railway union had to capitulate after holding out for twenty days, the strike had a disastrous impact on the teetering economy.

The violent mass protests in Gujarat and Bihar and the crippling railway strike enfeebled Mrs. Gandhi considerably. Two adverse court verdicts, delivered in quick succession, aggravated her sense of insecurity. Of these, the first one, though not directly against Mrs. Gandhi, trammelled the power of the Parliament and thus impeded Mrs. Gandhi's political agenda. On April 24, 1973, the Supreme Court delivered a historic judgement in the *Keshavananda Bharati vs State of Kerala* case.

Mrs. Gandhi was displeased with the verdict because she thought it constricted her space for statutory manoeuvre and made Parliament subservient to the Constitution. At a time when wished to subordinate all institutions and vest absolute powers in the government, she interpreted the verdict as a conspiracy to undermine her powers. Hence, the day after the *Keshavananda* verdict, Mrs. Gandhi got a Presidential order passed which encroached on the freedom of the judiciary. It concerned the nomination of the next Chief Justice of the Supreme Court, which was due soon. Mrs. Gandhi nominated a pliant, puisne judge who had passed a minority verdict favouring the government, superseding three other senior judges who had ruled against the absolute powers of the Parliament. Furthermore, she not only criticized the verdict and the notion of the basic structure of the Constitution but also openly advocated the concept of a 'committed judiciary,' by which she meant a judiciary that was consonant with the political thinking of the government. Evidently, the supersession of judges and the trenchant criticism of the judiciary raised fears in legal and political circles about Mrs. Gandhi's plans to subvert the courts. The right wing parties came together on this issue and decided to oppose Mrs. Gandhi's attempts to erode the independence of the judiciary.

The second court case was more damaging and directly involved Mrs. Gandhi's conduct. On June 12, 1975, the Allahabad High Court pronounced her guilty of minor corrupt practices during her election campaign in the 1971 parliamentary polls. The court ruled that Mrs. Gandhi had abused the official machinery for furthering her electoral prospects and debarred her from contesting elections for the next six years, apart from declaring her election void. Mrs. Gandhi appealed the verdict in the Supreme Court and got a conditional stay.[26] Following the adverse verdict, the opposition demanded that Mrs. Gandhi should quit office. When she refused, they accused her ignoring democratic norms. Her conduct in the two cases catalyzed the unification of the opposition forces who vowed to oppose her authoritarian ways.

The right wing opposition could not have asked for more propitious circumstances to launch a crusade against Mrs. Gandhi's undemocratic regime. In a manner reminiscent of the anti-Congress SVD coalition, the disparate opposition parties once again came together with the sole intention of dethroning her. But this time, they were in a commanding position. The opposition was able to ride on a massive wave of popular resentment over the unbearable economic crisis. People from all walks of life joined a mass movement against the state. So, though organizationally weak, the opposition parties did not have to work hard to mobilize popular opinion. The other advantage was that JP, an apolitical leader, led the peoples' movement. Since he was not involved or interested in partisan/power politics, all opposition groups, except the communists, were able to sink their individual differences and rally behind him.

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[26] Later, during the Emergency, just a couple of days before her case came hearing in the Supreme Court, she literally arm twisted her M.P.s to pass an amendment that changed the electoral law in her favour with retrospective effect. She also got a constitutional amendment passed that took away the Supreme Court's jurisdiction over election disputes to high offices. Thus, the Court had no choice other than acquitting her. For details, see Rao, 1988:36.

Soon, the JP movement intensified and became astoundingly popular. The whole nation was engulfed in a political ferment the like which it had not witnessed since independence. Such was the build-up of popular pressure that with every passing day, Mrs. Gandhi was left with fewer options. She had reasons to fear the JP movement because in the assembly elections held in Gujarat in March, 1975, the opposition parties --mainly the former members of the SVD -- formed a united 'Janata Front' (Peoples' Front) under the leadership of veteran Congress (O) leader, Morarji Desai and swept the provincial polls. The Janata Front had campaigned on an anti-Congress plank and made corruption, price rise, and unemployment the main issues of the poll campaign.

Emboldened by their victory in Gujarat and certain that Mrs. Gandhi had become vulnerable after the mortifying court decisions, the opposition, led by JP, knew that it had the upper hand and relentlessly surged ahead. As agitations erupted nation-wide, Mrs. Gandhi's predicament became acute because she did not have a well-oiled party machinery to counter the propaganda of the opposition. The last straw came when JP addressed a huge rally in Delhi on June 25, 1975 where he urged the military, police and bureaucracy to rise in revolt and disregard the unjust orders of their rulers.

THE FATE OF MINORITIES UNDER THE EMERGENCY

Soon after the rally, in the early hours of June 26, 1975, Mrs. Gandhi unilaterally clamped a state of internal Emergency on the ground that the right wing coalition had conspired to overthrow her regime and that its agitations had led to the breakdown of law and order in the country. A less known factor was Mrs. Gandhi's desire to stymie the opposition demands to investigate her son Sanjay Gandhi's shenanigans in the failed Maruti car project that he launched with funds from the state exchequer.

Almost immediately after the proclamation of the Emergency, all the major opposition leaders including JP and Morarji Desai were jailed. All over the country, Congress governments incarcerated political opponents, a majority of them belonging to the RSS and Jan Sangh. Several prominent activists and leaders went underground. Mrs. Gandhi did not spare even her own colleagues in the Congress who, she suspected, were sympathetic to the opposition demands. They too were arrested summarily. This unprecedented action had the effect of silencing Congress M.P.s and forcing them to fall in line.

The Emergency lasted for 19 months.[27] During this period, the government immured 140, 000 political activists and banned 26 political parties (Puri, 1995:1741). It suspended civil liberties, fundamental rights and all anti government protests. The government clamped strict censorship laws on the privately held print media and used the state controlled radio and television to propagate the virtues of the Emergency. It also armed itself with stringent laws that empowered it to imprison people indefinitely without laying charges or producing them before the courts. In the years leading to the Emergency and during that period, both the federal and provincial governments spent colossal sums of taxpayers' money on augmenting the police and security forces.[28] Mrs. Gandhi justified these measures citing internal threats to India's unity and integrity. The real reason, though, was that the economic crisis had precipitated the systemic breakdown.[29]

The Emergency surpassed the colonial British regime in its brutality and repressions. The thousands of activists who were gaoled were subject to third-degree treatment involving cruel acts of physical abuse to elicit information about their co-activists. Many were maimed for life; some died in custody, unable to bear the torture. Since the Jan Sangh and the RSS were in the vanguard of the J.P. movement and the anti-Indira protests, their activists constituted the bulk of the detainees. The atrocities of the police and prison authorities conferred a halo of martyrdom on RSS workers whose standing and influence in society was peripheral before the Emergency. Through her inept handling of political dissent, Mrs. Gandhi provided phenomenal legitimacy to the right wing forces. Overnight, the RSS and Jan Sangh were able to camouflage their elitist, majoritarian politics and emerge as the defenders of democracy. Before I discuss the adverse implications of the Emergency for secularism, I wish to mention briefly the major initiatives of Mrs. Gandhi's government during that period.

In terms of its direct and indirect adverse consequences, the Emergency did not spare any section of society except the elites such as the industrial and agrarian bourgeoisie and the upper echelons of the bureaucracy. But the sections that bore the brunt of its harshness were the Muslims and the lower castes. Two developments hurt them irreparably: the Turkman Gate demolitions in Delhi and forced sterilizations.

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[27] There are several accounts of the events leading up to the Emergency and of the excesses committed during that period . Nayar (1977) provides the most comprehensive analysis. For a shorter critiques, see Puri (1995) and Mayer (1984).

[28] Guha (1976) provides useful data about the staggering increase in the state's spending on the police forces. According to him, the federal government's police expenditure in 1950-51 was Rs. 30 million. It swelled 52 times to Rs. 1,564 million in 1974-75. The marked hike in the police budget started after Mrs. Gandhi assumed office in 1966. During 1966-67, the federal police expenditure was Rs. 482.7 million. It waxed by 50 percent in two years to Rs. 726 million in 1968-69, by 146 percent over the next five years to Rs. 1,188.2 million in 1971-72. By 1974-75, the amount snowballed by 224 percent to Rs. 1, 564 million. Since the mid '60s, the federal government raised several new paramilitary units like the Central Reserve Police Force (CRPF), Border Security Force and so on. In 1968, Mrs. Gandhi set up the Research and Analysis Wing (RAW), an intelligence cum spy agency, which she used to monitor the activities of her political opponents. These agencies have quickly grown in strength. For instance, in the ten years between 1964-65 and 1974-75, the CRPF grew by 375 percent from 16 to 60 battalions. At the provincial level too, the expenses incurred on the police force and their numbers burgeoned enormously. For details, see Guha, 1976:44-46. Also, see Mathur, 1992:343-346.

[29] Andre Gunder Frank's (1977) brilliant analysis gives an overarching view of the economic factors that led to the Emergency.

Sanjay Gandhi, the leader of the Youth Congress and an extra-constitutional authority, wanted to 'beautify' New Delhi, the capital, by getting rid of its slums and shanties. In April, 1976, he ordered the officials of the Delhi Municipal Corporation and the Delhi Development Authority to demolish the sprawling slums at the city's Turkman Gate, near the historic Jama Masjid, a huge mosque built during the Mughal period. The majority of the slum dwellers were indigent Muslim labourers and menial servants. Without giving them any prior notice, civic officials razed all the slums in the Turkman Gate area in one fell swoop (Frankel, 1978:564; Malhotra, 1989:179-80). When the slum dwellers protested, the police opened fire and killed six people on the spot. Overzealous officials flattened over 150,000 hutments and rendered 700,000 people homeless (quoted in Frankel, 1978:564). The Turkman Gate episode infuriated Muslims all over the country. But they could not express their anger for fear of being thrown in prison.

Another excess of the Emergency concerned the forcible sterilization of the lower castes and Muslims in small towns and rural areas in north India. A notion popular among the upper castes and classes in India is that the country is backward because its population explosion has reached unmanageable proportions. The sub text of this thesis is that the lower castes and classes procreate indiscriminately and hence must be sterilized. Mrs. Gandhi's son, Sanjay, took it upon himself to implement family planning programmes coercively to halt the growth of the population. In keeping with the new fervour, the Health Ministry prepared a national policy document in April 1976 with the avowed objective of reducing the rate of population growth. Several provincial governments also announced monetary disincentives and punitive measures to prevent people from flouting the small family norm. The federal government passed a constitutional amendment that enabled it to legislate on population related matters, till then a prerogative of the provincial governments.

The forcible mass sterilization drives specifically targeted the Muslim community and sections of the lower castes and classes (Chadney, 1988:92-93; Malhotra, 1989:180-181). They resulted in the vasectomy of thousands of young men, many of them unmarried, in hastily arranged, makeshift camps. Officials in charge of the campaign used strong arm methods to coerce youths into submitting to the operations. Later, the Shah Commission of Inquiry, which investigated the excesses of the Emergency period, found that nearly 2000 people had died during the sterilization campaign and many more were sterilized against their will (quoted in Chadney, 1988:93).

THE WORSENING ECONOMIC CRISIS

The atrocities against the Muslims and lower castes were being perpetrated in the background of a steadily deteriorating economic situation. One of the justifications for the Emergency, in fact, was that it was necessary to overcome the inflationary trends in the economy (Kaviraj, 1986:1704). Soon after declaring Emergency, on July 1st, 1975, Mrs. Gandhi announced a 20 point economic programme, reflecting the fiscal agenda of the government.[30] It was meant to provide sops and subsidies to all the vulnerable, aggrieved communities. The 20 point programme promised to increase employment opportunities, provide essential commodities at affordable prices and distribute surplus land among the landless.

The government also banned all trade union activities in the name of instilling discipline. The big bourgeoisie was pleased to be free from labour unrest. But the conditions of the working class did not change for the better. In fact, contrary to Mrs. Gandhi's claim, in the ultimate analysis, the Emergency failed to bring about a fundamental transformation in the economy. Though there were marginal improvements, they were by no means sufficient. For instance, employment opportunities did increase in the public sector, but they were offset by the growth in the labour force (Bhargava, 1988:71). Similarly, both industrial and agricultural productions were sluggish, in spite of the government's hyped efforts to boost them. For all its radical rhetoric, all that the Emergency achieved was the perpetuation of the 'privileges of the industrial and bureaucratic elite' (Bhargava and Balachandran, 1977:57). This trend was in tandem with the practice, since independence, of neglecting the agricultural sector.

THE RISE OF THE INTERMEDIATE AGRARIAN CASTES

Several scholars have commented on the stagnation of the agrarian sector in the post independence period and how it impoverished the small peasants, the marginal cultivators, and, the landless (Kaviraj, 1986:1705; Mendelsohn, 1978:46). Since the Nehru period, development had a marked bias toward the industrial sector and hence benefitted the 'industrial bourgeoisie and the urban professionals' (Kaviraj, ibid.). If the agricultural sector did not protest against successive federal governments, it was because those most aggrieved were not well organized, had little political consciousness and did not have the material, moral and intellectual resources to take on the state in any significant way. Besides, of course, till the '70s, the Congress enjoyed the trust of the deprived sections of the rural populace and had evolved institutional mechanisms within the party for reconciling the demands of the vocal segments of the agrarian lobby.

A less noted fact, at least till the Janata victory in the post-Emergency elections, was that by the time the Emergency was declared, the situation had changed considerably. Over a period of 25 years, the cosmetic agrarian reforms introduced by the Nehru regime unobtrusively gave rise to a nascent political consciousness whose main effect was to cast issues in terms of class-like politics (Mayer, 1984:145). Prasad (1991) has argued that the development of capitalism in agriculture engendered the political power of the kulaks and by the mid '70s, what India witnessed was the clash of interests between those of the kulaks and the predominant industrial, urban bourgeoisie. Amidst the contending interpretations about the emergence of what is variously described as the 'intermediate agrarian castes,' the kulaks, and so on, one fact is indubitable and needs to be emphasized. The selective and slipshod interventions of the state in the agrarian sector, through reforms and/or the penetration of capitalism, changed the latter and it was no longer willing to acquiesce in the former's bias in favour of the monopoly industrial bourgeoisie. It demanded that the inequities in the allocation of resources and inputs be set right. In some sense, the Emergency was the culmination of this dispute which was brewing over two decades.

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[30] The 20 point programme aimed at reducing inflation by streamlining the procurement, distribution and production of essential commodities and by reducing government expenditure. It also contained ambitious schemes for helping the weaker sections such as implementing land ceiling laws and distributing surplus land among the poor, increasing production in agriculture and other sectors of the economy and so on. The programme zeroed in on economic offenders, smugglers, tax evaders and hoarders and declared the government's intention to curb their activities. For students, workers and the middle class, it promised various subsidies in the form of tax breaks, providing essential commodities at cheap prices, and, books and stationery for students at concessional rates. All in all, the 20 point programme was meant to boost economic productivity, tackle unemployment and reduce inflation. For details, see, Bhargava, 1988:72-73.

Notwithstanding her perfunctory attempts to redress the concerns of the vocal agrarian lobby through generalities in the 20 point programme, Mrs. Gandhi did not seem to have a clear understanding of the strength of the forces ranged against her. This ignorance was directly a consequence of the virtual dismantling of the structures of the Congress party. The party had alienated large chunks of its grassroots support and hence was denied inputs about the extent of discontent at the local levels. The Congress of the mid '70s bore no resemblance to the Congress of the Nehruvian era because Mrs. Gandhi had converted it into an instrument for perpetuating her political power. The coterie surrounding her did not tell her what she did not want to know.

In the final analysis, Mrs. Gandhi's legal jugglery, her superficial economic initiatives and the authoritarianism of the Emergency did not benefit either her or her party in any way. In the sixth general elections that she abruptly announced in March 1977, both she and her party lost heavily. The Congress got 34.5 percent of the popular vote and managed to win only 154 seats out of 542 in the Lok Sabha (Butler *et al*, 1995:88-89). The overwhelming majority of victorious Congress candidates were from the south. In the Hindi heartland comprising the northern provinces, the Congress was completely wiped out except for two seats, one each in Madhya Pradesh and Rajasthan. In Bihar, Utter Pradesh, Haryana, Himachal Pradesh, Punjab and Delhi, the party lost in all the constituencies (ibid.).

On the eve of the elections, a coalition of centrist, socialist, and right wing opposition parties came together under the leadership of Jai Prakash Narain and contested the polls unitedly under the banner of the Janata Party. The fledgling Janata Party cornered all the Congress votes; it won 295 seats and got 41.3 percent of the popular vote (ibid.). Soon after, the party assumed office with former Congress (O) leader, Morarji Desai, as the Prime Minister.

The debacle of the Congress was not altogether unexpected. But few had imagined that it would be totally routed in the north. Evidently, the Congress had estranged huge segments of its traditional supporters, mainly the dalits, tribals, and the minorities. A host of factors conspired to destroy the Congress. The electorate in the north, who bore the burden of the excesses of the Emergency, felt that the Congress would imperil democracy if it was voted back to power. Issues like the Turkman Gate demolitions, coercive sterilizations and the non-implementation of long standing minority demands regarding primacy to Urdu, autonomy for the AMU and the like forced the lower castes and minorities to shift their allegiance to the opposition (Shakir, 1980:223). An additional factor was that the low agrarian castes, till then a traditional ally of the Congress, withdrew its support and walked over to the opposition camp.

All in all, Mrs. Gandhi's third term in office proved disastrous not only for the party but also for secularism. Her vaulting political ambitions ineluctably pushed her toward authoritarian options which culminated in the Emergency. She de-institutionalized the Congress, subverted all the pillars of Indian democracy such as the judiciary, the executive, the legislature and the Fourth Estate, all for continuing in office. In doing so, she irreparably hurt the cause of secularism, to the extent of undoing all the achievements of her father, Pandit Nehru.

Though not volitionally, perhaps, Mrs. Gandhi also singlehandedly revived the moribund fortunes of the Hindu nationalists and the right wing parties through her grave acts of omission and commission. Her legal and political legerdemains, venal administration and dictatorial policies provided grist to the Hindu nationalists to discredit the Congress and all that it stood for. By jeopardising the democratic foundations of the nation, Mrs. Gandhi provided them with a cause to unite with the mainstream opposition at the national level and emerge as a credible alternative to the Congress.

THE JANATA INTERREGNUM: 1977-1979

Intense factionalism and political bickerings dogged the short-lived regime of the Janata Party led by Morarji Desai. The greatest achievement of the Janata government was the restoration of constitutional democracy and the fundamental rights and freedom of individuals. Though it provided a much needed reprieve from the stifling atmosphere of authoritarianism, on the whole, it did not strengthen secularism. Before analyzing its secular track record, it would be instructive to understand the structure, orientation and outlook of the Janata Party.

Like the SVD coalitions of the late '60s, the only issue that held the disparate factions of the Janata Party was their utter aversion to the Congress and Mrs. Gandhi. The tyrannies of the Emergency and the threats it posed to Indian democracy catalyzed their agglutination. Of all the groups in the Janata Party, the Jan Sangh was the most ideologically committed. Since the mid '60s, Hindu nationalists of the Jan Sangh were constantly trying to gain access to the corridors of power for which they adopted different strategies. One of them was to win over the Congress traditionalists and usurp the mantle of the party. But, as we saw, Mrs. Gandhi foiled the plans of the Congress traditionalists. Thereafter, the Jan Sangh tried to become a part of a centrist coalition with a critical role for itself. The SVD experiment, though not fully successful, gave it a glimpse of what it could achieve by adopting a centrist strategy. The misdeeds of the Congress and, particularly, the Emergency, proved to be a boon for the Hindu nationalists. By joining the Janata Party, they were able to fulfill their long standing ambition of being able to manipulate the levers of power.

In the 1977 elections, out of the 295 Janata M.P.s, 90 belonged to the Jan Sangh camp (Graham, 1987:259). Soon after, in the elections to the nine provincial legislatures, the Janata Party again swept to power in seven, mainly northern provinces and formed a government with the Akali Dal in Punjab. Of these, in four provinces and one union territory--Madhya Pradesh, Rajasthan, Bihar, Himachal Pradesh and Delhi-- the Jan Sangh dominated the Janata legislative group, while in Utter Pradesh and Haryana, it formed a sizeable segment of the party's legislators (ibid.). Clearly, the Jan Sangh could not have come into such prominence on its own, mainly because of its extreme positions on socio-cultural issues. But, as part of a moderate conglomeration that pursued consensual politics, it was acceptable to the voters as they were confident that other sections of the party will not allow the Jan Sangh's agenda to prevail entirely.

The other constituents of the Janata Party could do little about the dominance of the Hindu nationalists because the latter was the only group in the party with a huge army of volunteers: the ideologically driven cadres of the RSS. As noted earlier, the members of the RSS formed the backbone of the anti-Emergency campaign and the JP movement. They also contributed immensely to the victory of the Janata Party by offering their services for electioneering. No other constituent of the Janata Party had trained cadres among its ranks and therefore all of them depended on the RSS network for conducting the party's activities.

Since it provided a critical input to the party, the Jan Sangh was able to disproportionately influence the Janata government's policies and programmes. During the brief Janata regime, it tried to fortify its organizational network by disbursing patronage and resources among its supporters (Rudolph and Rudloph, 1984:32). Though other constituents of the Janata party also were not far behind in this game, main interest of the Jan Sangh was to colonize the cultural space in the civil society and to orient popular outlook to its ideology. To achieve this goal, it worked closely with Prime Minister Morarji Desai.

THE TEXTBOOK CONTROVERSY

As a former Congress traditionalist, Desai was almost completely in agreement with the Hindu nationalist ideology. The Jan Sangh influenced him to ban certain history text books being used in schools at that time and a couple of other books published by the government.[31] The books in question were R.S. Sharma's Ancient India, Romila Thapar's Medieval India, Bipan Chandra's Modern India, Freedom Struggle by Amales Tripathi, Barun De and Bipan Chandra and Communalism and the Writing of History by Romila

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[31] Rudolph and Rudolph (1984) provide a detailed, critical account of the entire textbook controversy. I have based my account on their work. Behera's work deals with this and several other disputes concerning the abuse of history. See Behera, 1996.

Thapar, Harbans Mukhia and Bipan Chandra. All the authors were reputed, professional historians with leftist sympathies. The Jan Sangh complained that the books distorted history to suit the ideological predilections of their authors. Thus, they alleged that Medieval India downplayed the role of Muslim rulers in destroying Hindu temples. Similarly, they criticized Bipan Chandra's book for not sufficiently accentuating the role of nationalist leaders like Tilak and Aurobindo Ghose, whose world view was rooted in a Hindu view of Indian history.

Though the government did not ban the books, it 'sharply curtailed' the distribution of three books and withdrew R.S. Sharma's Ancient India from the school syllabus (Rudolph and Rudolph, 1984:29). Later, both the Indian History Congress, the apex academic body of historians, and National Council for Educational Research and Training (NCERT)--a government body in charge of educational materials for schools--rejected the government's objections to the textbooks as baseless (Behera, 1996:200).

Close on the heels of the textbook controversy, the Janata government introduced a constitutional amendment bill in the Parliament to remove 'cow protection' from the state list and insert it in the concurrent list to empower the federal government to pass binding laws against the slaughter of cows Jaffrelot, 1996:286-87; Rudolph and Rudolph, 1984:23). It had to drop the bill when, except the Jan Sangh, the other constituents of the Janata party opposed it strongly. Similarly, O. P. Tyagi, a M.P. belonging to the Jan Sangh camp, tabled a private member's bill titled 'Freedom of Religion Bill' which would make religious conversions a criminal offence. The idea was to intimidate Christian missionaries who, according to the Hindu nationalists, were 'fraudulently' converting penurious tribals (ibid.). Prime Minister Desai initially approved the bill but had to back off when the minorities and missionaries protested against it.

Though in all the instances mentioned above, the Hindu nationalists failed to pursue their agenda, they left no one in doubt about their real intentions. The socialist and agrarian segment of the Janata party were alarmed by the shenanigans of the Jan Sangh and resolved not only to thwart its initiatives but also pursue their own. Thus, largely due the pressures of the socialists, the agrarian Bharatiya Kranti Dal (Indian Revolutionary party) and the minorities, the Janata government took two measures that strengthened secularism. First, the lower and middle peasant castes that supported the Janata party demanded they should also be provided the benefits of the government's affirmative action policies. As a first step in this direction, they sought a commission of inquiry to investigate the extent of backwardness among the lower and middle agrarian castes in each province and their classification and ranking on that basis, a task that the earlier Congress governments had ignored in spite of repeated requests. Not wanting to alienate a solid vote bank, the Janata government appointed a commission under the chairmanship of B. P. Mandal to investigate the backwardness of the agrarian castes and recommend who should be given the benefit of affirmative action policies. Though an innocuous move, it was to prove crucial for countering the homogenizing influence of Hindu nationalism, as we shall see later.

The second positive step concerned the appointment of a Minorities Commission whose mandate was to 'safeguard the interests of the minorities whether based on religion or language.' The Commission was not particularly successful and subsequent Congress governments reduced it to a showpiece. Nevertheless, the very act of forming a Minorities Commission betokened the government's acknowledgement that the minorities do face serious problems that deserve special attention.

Laudable as these measures were, they were still no more than reluctant concessions extended by the upper caste Hindu nationalist/traditionalist in the Janata party. The latter's concern was to increase their influence in all spheres such as the bureaucracy, government, educational institutions and the like. The Jan Sangh aimed at nothing short of complete control over the Janata party and the government. Since it knew that the agrarian castes, socialists and minorities in the party would frustrate its moves, it wanted to undermine these subaltern segments. Thus, an intense rivalry broke out in the Janata Party between the agrarian sections led by Charan Singh and the Hindu nationalists led by Morarji Desai. The controversies concerning textbooks, cow protection, and religious conversions make sense only in the backdrop of this power struggle.

Though the Janata experiment did not last for long, the Hindu nationalists gained immensely from it. Their electoral profile became more firmly etched. They were able to strengthen the network of their cadres and activists by funnelling patronage and the state's resources. Most important, they gained unprecedented legitimacy as the restorers of democratic norms and freedoms. The greatest casualty of the Janata period, of course, was the secular ethos of the nation. All told, if there was one lesson that could be drawn from the Janata fiasco, it was that blind anti-Congressism that de-emphasized crucial ideological differences, cannot serve as a viable political plank for forming alliances. Even if it does in the short term, as in the case of the Janata party, it invariably impairs the foundation of secularism. The non-Jan Sangh factions in the Janata party were aware of this fact. That they chose to underplay it speaks to their fugacious commitment to secularism.

MRS. GANDHI'S LAST TERM (1980-84): THE HINDUIZATION OF THE CONGRESS

In the seventh general election held in 1980, the Congress returned to power with a convincing majority. It secured 353 out of 529 Lok Sabha seats and polled 42.7 percent of the votes (Butler, et al., 1995:92-93). The Janata party lost heavily. It won only 31 of the 432 seats it contested and got 19 percent of the votes polled (ibid.).

For a party that was severely mauled just two years ago, the Congress victory was nothing short of spectacular. Evidently, it had succeeded in winning back some of its traditional supporters whom it had alienated earlier. Nevertheless, its success did not signal the return of the dominance of the Congress for several reasons.[32] Traditionally, the Congress bestrode the political landscape by garnering the maximum number of votes and seats in the Hindi speaking states of the north--the Hindi heartland which accounts for 42 percent of the total seats in the Parliament--and through the bloc support of the dalits, tribals and minorities. As we saw, in 1977, the Hindi heartland returned only two Congress candidates and the minorities, tribals and lower castes also deserted the party.

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[32] For a detailed analysis of the 1980 elections, see Rudolph and Rudolph, 1981.

In 1980, though the Congress regained some of its lost ground in the Hindi heartland, it did not equal its command performance of 1971(Rudolph and Rudolph, 1981:813). In other words, in spite of winning the 1980 polls, the strength of the Congress in its Hindi speaking bastion had considerably eroded. Similarly, the support of the minorities, dalits, and tribals also was not unqualified. Except for the tribals who solidly supported the party, the Muslims and the dalits returned to the Congress fold but not in the same measure as to make it the only important political actor (Rudolph and Rudolph, 1981:817-818). Of importance to our analysis is the fact that the 1980 results proved that the Congress hold on its traditional supporters in the Hindi speaking areas and among the subaltern castes and minorities was slipping. More disturbing for the Congress, a variety of opposition parties, many of them belonging to the erstwhile Janata party, had gained strength at the expense of the Congress, not so much in terms of the number of seats as in the percentage of votes.

If anyone in the Congress understood the significance of the 1980 polls, it was Mrs. Gandhi. She realized that the vote gathering strategy of her party had to change, keeping in mind the new, petulant mood of the electorate. The Congress stood a dim chance of winning back all the minorities and the lower castes considering that Mrs. Gandhi had personally reneged on several promises she made to their leaders. Besides, by the early '80s, a politically conscious middle class had emerged among the Muslims which rendered manipulative elite pluralism of an earlier era almost impossible. Likewise, the dalits also seemed to be in no frame of mind to unquestioningly accept the hegemony of the Congress.[33]

But, for Mrs. Gandhi, the most worrisome development was the growing might of the Jan Sangh. She had trounced the Hindu nationalists at the recently concluded polls. Yet, Mrs. Gandhi had the political sagacity to realize that before long they would re-organize themselves and mount a challenge to her authority as they did during the Emergency. This time the offensive would be more puissant as the Hindu nationalists had become quite resourceful after a spell in office. Mrs. Gandhi, therefore, decided to usurp the very Hindu constituency that the Jan Sangh had nurtured. She knew that this manoeuvre would yield rich dividends as, earlier, following India's victory over Pakistan in 1971, Hindus all over India had lionized her. Mrs. Gandhi was convinced that the only way to retain the preeminence of the Congress and perpetuate her rule, without radically restructuring the socio-economic framework, was by outwitting the Jan Sangh in its own game. Thus began a new era of majoritarian politics in India with both the Congress and the Jan Sangh vying for the leadership of the Hindu majority.

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[33] Since Mrs. Gandhi's rise to power, the atrocities against the dalits steadily increased in frequency and ferocity. Between 1967-69, 1,117 dalits lost their lives in caste related violence. By early 1977, the number shot up to 10, 879 cases of anti-dalit atrocities. Subsequently, in the first six months of 1978, 6,820 instances took place. In most cases, upper caste landlords, the police, and government officials at the village and district levels were involved in the crimes against the dalits and lower castes. For details, see Roy, 1981:19.

THE RECRUDESCENCE OF COMMUNAL RIOTS

The economic crisis that first erupted in the mid '60s, progressively worsened during the Emergency and later became almost unbearable in the early '80s, as Mrs. Gandhi started in January 1980 what was to be her last term in office. A concomitant disturbing trend of the '80s was the recrudescence of communal riots after a brief lull in the '70s. During this decade, around 4000 people died in Hindu-Muslim clashes, and this figure represented a four-fold increase in such deaths in the '70s (Hasan, 1988:2469). The intensity of the riots was also more severe than in the past, which was why the federal government had to call the army more often to contain the riots. During 1981-84, it deployed the army 369 times--an alarming increase, considering that from 1951 to 1970, the army was used on only 476 occasions (Mathur, 1992:344-45).

Just months after Mrs. Gandhi assumed office, on August 13, 1980, ghastly riots broke out at Moradabad in Utter Pradesh. Moradabad is an industrial town with an entrepreneurial Muslim population, most of them involved in the lucrative brassware manufacture and export industries. Hindus of Moradabad were envious of the preponderant Muslim dominance of the brass industry and wished to break their monopoly (Hasan, 1996:219). Tensions over economic competition boiled over and resulted in a full fledged riot. According to official figures, 144 people lost their lives in the violence and police firings, of whom 121 were Muslims (quoted in Noorani, 1990:262). The regional law enforcement agency, the Provincial Armed Constabulary (PAC) opened fire on Muslims and arrested them in large numbers (Noorani, 1990:257). Hindu mobs and members of the PAC looted and set fire to Muslim shops and businesses to undermine their economic stronghold on the brassware industry. The most unfortunate aspect of this riot, as in most other riots that took place in Utter Pradesh since the '60s, was that the PAC opened fire on Muslims and acted in a biased manner against them.[34]

Mrs. Gandhi initially ignored the riots victims and visited Moradabad two months later, in October, 1980. On purpose, she brushed aside the well-documented evidence of the PAC's misdeeds and defended their role in the riots. In the Parliament and in press conferences, she variously blamed 'foreign forces,' 'a foreign hand' and so on which were euphemisms for an Islamic conspiracy abetted by Pakistan (Noorani, 1990:258). Thereafter, the threat to India's 'unity and integrity' from foreign forces became a constant refrain of Mrs. Gandhi. Evidently, without saying in so many words, she was accusing the Muslims of engineering violence in collusion with Islamic forces. Such denunciations of the Muslims increased her popularity among the Hindus.

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[34] Vibhuti Narain Rai, a senior officer of the Indian Police Service belonging to the Utter Pradesh cadre, has recently published the results of his research on the perception of police neutrality during Hindu-Muslim riots in India. He has documented and analyzed why the PAC has developed an anti-Muslim bias and how it has hurt the Muslims. For details, see Rai, 1998.

THE POLITICS OF HINDU MAJORITARIANISM

To further ingratiate herself with the Hindus, Mrs. Gandhi accused 'Arab money' as being responsible for the conversions of 1500 dalits to Islam in Meenakshipuram in February 1981 (Noorani, 1990a:2419). She also claimed that Hindu communal forces had arisen as a reaction against such Islamic machinations. On being asked to produce evidence of 'Arab money,' she denied having made any such statement. In addition to disparaging Muslims, Mrs. Gandhi also actively cultivated the Hindu community. She patronized several Hindu holy men and visited Hindu temples and swamis and soothsayers, with the full panoply of state power. Such highly publicized visits were meant to be overt demonstrations of her Hindu piety and they endeared her to millions of Hindus. Mrs. Gandhi also took care never to offend Hindu sentiments and ignored instances of Hindu wrongdoing in the name of religion. One such incident took place in August 1980.

In a small village called Jhadli in Rajasthan, the male members of a Shekawat Rajput family forced their 16 year old daughter-in-law to commit sati (i.e. burnt her on her husband's funeral pyre) when her husband died prematurely.[35] The entire village, led by the dominant Rajput caste-- one of the several so-called warrior castes--'celebrated' the act of sati and organized festivities to honour the memory of the dead woman. Sati is legally banned under the Abolition of Sati Act of 1829. Yet, after the incident took place, the district administration did not pursue the offenders with alacrity. Following pressures from women's groups and civil rights activists, the government laid charges against the instigators under the provisions of the less stringent Criminal Procedure Code and made perfunctory attempts to prosecute them for abetting the suicide of a minor (Sangari and Vaid, 1981:1287). The powerful Rajput caste group was not worried about the charges as it was sure that of the thousands of villagers who witnessed the sati, no one would come forward to give evidence against the accused. Besides, of course, it was confident that the government would eventually bail out the culprits and close the case.

The government's collusion with the dominant Rajputs becomes clear upon considering its track record in successfully prosecuting previous abettors of sati. In not a single instance has the government secured the conviction of the accused (ibid.). What is worse, it provides income tax exemption to religious trusts formed with the avowed objective of glorifying women who commit sati (ibid.). Though fully cognizant of these matters, Mrs. Gandhi never cared to initiate remedial measures. In fact, in the wake of protests against the barbaric practice of sati, she remained silent and did not intervene for fear of alienating the powerful Rajputs of Rajasthan and Hindus in general. Mrs. Gandhi's general policy was to adopt the line of least resistance in all matters concerning the dominant upper castes and classes. Be it sati or atrocities on the dalits and tribals, or any other illegitimate act, she was reluctant to confront them head on, mainly because she was paranoid about their deserting her and the Congress and walking over to the opposition camp.

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[35] For a detailed account of the sati in Jhadli and the state's passivity in bringing to justice the perpetrators of the crime, see Sangari and Vaid (1981).

In her quest for total political supremacy, Mrs. Gandhi irreparably damaged the edifice of secularism and inflicted some of the worst atrocities on religious minorities, chiefly the Muslims and Sikhs. Almost single-handedly, she aggravated the crises in Punjab[36] and Kashmir and alienated the Sikhs and Muslims of these two provinces. In order to ensure that Punjab, whose population comprises sixty percent Sikhs, remained under Congress rule, she repeatedly negated the political aspirations of the Sikhs and affronted them.

THE PUNJAB CRISIS

In spite of being in a majority, the Sikhs were in no position to rule the province all by themselves because of socio-economic, cultural, and political differences within their community. The main Sikh party, the Akali Dal, could come to power only in alliance with the Jan Sangh which commanded the allegiance of the Hindus in the province. Thus, whenever the Akali Dal and Jan Sangh jointly fought the provincial elections, they were able to dethrone the Congress from office. Since Mrs. Gandhi became the Prime Minister in 1966, the Akali-Jan Sangh combine won two provincial elections in Punjab in 1967 and 1972 and in 1977 the Akali Dal and the Janata party (one of whose chief constituents was the Jan Sangh) won the polls. In all three instances, the Congress did not allow the opposition to combine in order to complete its term in office. In 1967 and '72, to prevent the consolidation of the alliance, Mrs. Gandhi destabilized their partnership by offering inducements to disgruntled elements in the coalition to break off . She also pledged the support of the Congress to the defectors to form a new government and later withdrew her support abruptly. Of course, the Akali-Jan Sangh coalition also was far from harmonious. It had its internal differences, with the Akali Dal wanting to promote Sikh interests and the Jan Sangh that of the Hindus. But these differences were not insuperable. Mrs. Gandhi cynically exploited them to gain advantage for the Congress.

Soon after she returned to power in 1980, Mrs. Gandhi dissolved nine opposition ruled provincial governments midway in their terms. The Akali-Janata government in Punjab was one of them. As before, Mrs. Gandhi did not want the ascendance of the Akali Dal-Janata alliance. More importantly, she wanted nothing short of the polarization of the Sikh and Hindu communities in Punjab so that she could project herself and her party as the champions of the Hindus. But this time, the dynamics of Sikh politics had changed.

On the two previous occasions, the Akalis were not particularly resourceful in countering the might of the Congress. Suddenly divested of power, all they could do was to mobilize their Sikh constituency by voicing nationalist demands whose thrusts were greater power and autonomy. Thus, soon after being thrown out of office in 1972, the Akalis passed a resolution in 1973, popularly known as the Anandpur Sahib resolution, after the place where it was passed. This resolution essentially demanded greater autonomy for the provinces and wanted the Sikh populated areas contiguous with the Punjab to it merge with it (Chadda, 1997:125). It also demanded the instruction of Sikh teachings in schools and the legislation of an All India Gurudwara Act which would enable it to control and administer all the Sikh temples in the country[37] (ibid.). In essence, the Anandpur Sahib resolution wanted to ensure that the political and cultural identity of Sikhs remains in tact. Its apprehensions on this score were not misplaced because the Hindus had always wanted to co-opt the Sikhs within their fold (as they did in the case of Buddhism and Jainism). Hence, as we saw earlier, even in the Constitution, the Sikhs were subsumed under the rubric of 'Hindus.'

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[36] There are numerous scholarly and journalistic analysis of the crisis in Punjab. For details, see Jeffrey, 1994; Nayar and Singh, 1984; Oberoi, 1993; Pettigrew, 1995; Tully and Jacob, 1985; and Singh, Gurharpal, 1987, 1995.

The Anandpur Sahib resolution captured the imagination of the Sikh community. For a variety of reasons such as excessive centralization, the rise of an affluent Jat Sikh peasantry and heightened ethnic consciousness following the success of the Green revolution in Punjab, and the general rise of Sikh ethno-nationalism, there was a surge in the popular support for the Anandpur Sahib resolution. The Akali Dal's stock increased steadily, as a consequence of which it was able to return to power in 1977. After being dismissed from office in 1980, it once again started agitating for the implementation of its long-standing demands.

The Congress, under Mrs. Gandhi, desperately wished to arrest the rising popularity and strength of the Akali Dal in order to get back to power. Thus, even while the Akali government was in office in 1978, Mrs. Gandhi's son, Sanjay Gandhi and her confidante in Punjab, Zail Singh, propped up an obscure Sikh clergyman, Bhindranwale, to upstage the Akalis and create disunity in their ranks, a fact that has been extensively noted by scholars (Chadda, 1997:129; Jeffrey, 1994:135; Manor, 1998:27; Nandi, 1996:184; Yaeger, 1991:224). They provided material and organizational resources to Bhindranwale and encouraged him to make extreme and secessionist demands by exaggerating the injustices suffered by Sikhs. Such extremist discourse was meant to alienate the Sikhs from the more 'moderate' demands of the Akalis by presenting the latter as weak, ineffectual, and incapable of taking on the adversary, i.e., the federal government.

In a short time, Bhindranwale, a semi-literate *'granthi'*(clergyman), became an important figure in religious and political circles in Punjab, thanks to the sponsorship of the Congress. The party helped organize the 'Dal Khalsa' (Group of the Pure), an outfit over which Bhindranwale presided. The proximity of Congress bigwigs and the trappings of power and affluence enhanced his standing in the eyes of the lay Sikhs.

In the months and years that followed, Bhindranwale's extreme and secessionist rhetoric intensified, as did the violence against those who dared to oppose him. By 1980, he had transmogrified into a religious/political personality of considerable standing. The

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[37] The Shiromani Gurudwara Prabandhak Committee (SGPC) --an apex body of the Sikhs in charge of managing Sikh temples -- controls 700 Sikh temples and shrines in Punjab, Haryana, Himachal Pradesh and Chandigarh and has a budget of approximately US $ six million per year (quoted in Jeffrey, 1994:136). Considering its significant clout in both political and religious matters, the SGPC's elections are seriously contested. The leaders of the SGPC are supporters of the Akali Dal. The Dal wanted an all-India statute that would give the SGPC the complete control over the finances and administration of all the Sikh temples in the country.

Congress used him to campaign for it in the 1980 general elections (Manor, 1998:27). After Mrs. Gandhi's return to power, Zail Singh, Bhindranwale's mentor, became the federal Home Minister. Singh used Bhindranwale to settle scores with his political foes in Punjab.

With Zail Singh's support, Bhindranwale unleashed a reign of terror and violence in Punjab throughout 1981 and 1982. His followers gunned down several prominent religious and political leaders belonging to the moderate camp and instilled terror in the hearts of innocent Sikhs. As the crimes escalated, Chief Minister Darbara Singh adopted a tough stance against Bhindranwale and tried to arrest him. Surprisingly, instead of upholding the rule of law as the federal Home Minister, Zail Singh allegedly offered him sanctuary at his official residence in Delhi.

The leaders of the Akali Dal capitulated before the growing clout of Bhindranwale for two reasons. First, they knew that they were no match to him since he enjoyed the protection and patronage of the federal government. Besides, not being able to compete with his violence and inflammatory rhetoric, the Akalis realized that soon they would be totally relegated to the periphery and might even lose their lives and limbs in trying to oppose him. Second, keeping in mind his captivating grip on the Sikh psyche, the Akalis wanted to use Bhindranwale to fulfill their demands, as outlined in the Anandpur Sahib resolution. Wooed from both sides, Bhindranwale freely employed his new found status to adopt a hardline, fundamentalist position on all problems related to the Sikhs. He excoriated the federal government for maltreating the Sikhs and chided his co-religionists for meekly enduring 'Hindu atrocities.' As his discourse appealed to a wide cross section of the Sikh community and popular support increased, he became a law unto himself. Before long, his violent acts reached unmanageable proportions and the Congress tired of him (Jeffrey, 1994:164-168). But, by then it was too late for the Congress to rein him. He had acquired a momentum of his own.

Even at this stage, the Congress could have neutralized the incipient Sikh fundamentalism by acceding the legitimate demands of the Akali Dal. Mrs. Gandhi ignored even the secular concerns of the Akali Dal such as the riparian dispute between Punjab and neighbouring Haryana and the transfer of Chandigarh as Punjab's capital, instead of serving as the capital of both Punjab and Haryana. She wilfully disregarded their crucial demands and allowed the Sikh agitation to fester. Clearly, her intention was to drive a wedge between the Sikh and Hindu communities so that she would be seen as the protector of Hindu interests.

When the Akalis sought Bhindranwale's support, alienated by the Congress by then, he saw an opportunity to get back at his former patrons and also consolidate his position as the defender of Sikh interests. Bhindranwale's espousal of the Akali demands had two grave consequences which, perhaps, both the Akalis and the Congress had not envisaged. Wedded as he was to a Sikh fundamentalist ideology, he immediately communalized the civic problems of Punjab and held them up as yet another example of the Hindu dominated federal government denying the Sikhs their legitimate due. Bhindranwale, therefore, urged the entire Sikh *panth* (community) to revolt against the Hindus and assert its identity. The next logical step of this communal perspective was secession. When the federal government tried to crush the Sikh resistance, Bhindranwale gave a call for creating 'Khalistan' (Land of the Pure) and raised militant, terrorist outfits to actualize his objective.

Heeding his call, unemployed Sikh youth and students rallied around him and formed militia groups like the Bhindranwale Tiger Force, Khalistan Commando Force, Damdami Taksal, All India Sikh Students Federation and so on. Armed with sophisticated weapons, some of them provided by the Pakistanis across the border and others bought with contributions of Sikh groups living abroad, they targeted innocent Hindus in Punjab and elsewhere. Sikh terrorists killed and maimed thousands of Hindus in random acts of terror. The senseless killings and the propaganda of hatred against the Hindus shattered centuries of communal amity between the Hindu and Sikh communities.

As Sikh terrorism became more ferocious and rampant, Hindus all over the country pressured the government to retaliate. Under Mrs. Gandhi's stewardship, the Indian state adopted a heavy-handed approach and tried to crush the terrorist networks through the use of unprecedented force. Instead of a nuanced approach that isolated the terrorists from those not involved in such activities, the security forces indiscriminately ill-treated all Sikhs. Instances of mass arrests, police brutalities, torture, use of third-degree methods for interrogation, extra-judicial killings, fake encounters, 'sudden disappearances' and gross human rights abuses deeply scarred the Sikh community.[38] They only served to underscore Bhindranwale's constant refrain that the Hindus wanted to subjugate the Sikhs through force. Naturally, his movement enjoyed a moral legitimacy, particularly in the rural areas, that the security operations of the Indian state lacked. Consequently, in the battle against terrorism, in spite of massive inputs, the federal government could not gain an upper hand. Another handicap was that through its myopic actions, the Congress had sidelined moderate opinion represented by the Akali Dal. Hence, other than Bhindranwale and his terrorists, the state was left with no representative body with which it could hold talks and conciliate.

THE ANTI-FOREIGNER AGITATION IN ASSAM

Disturbing developments in other parts of India, particularly in the provinces of Assam and Kashmir, also cast their baleful influence on the Punjab situation. Just as civil disturbances had disrupted the even tenor of life in Punjab, in Assam too, a movement against the presence and domination of illegal immigrants from Bangladesh was raging.[39] The movement, led by Assamese students, demanded that the names of all illegal immigrants in Assam must be struck off the electoral lists. The federal government accepted this demand but insisted on 1971 as the cut off year because it wanted to ensure that refugees from former East Pakistan would not be disturbed. But the agitators wanted 1951 as the cut off date, so that only those who came in the wake of the partition would be recognized. The talks between the federal government and the students reached a stalemate over this issue.

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[38] For an insightful, anthropological account of the havoc caused by state terrorism and guerrilla violence, see Pettigrew, 1995.

[39] The 'Assam problem,' as the federal government chose to call it, had its genesis in the state's neglect of the socio-economic development of the province and its mishandling of ethnic divisions. Assam produces 70 percent of India's on-shore oil and the bulk of its tea. Yet, it remains under-developed. During the Indo-Pak war of 1971 and even later, thousands of Muslim refugees from east Pakistan fled to India. Initially granted asylum on humanitarian grounds, they were later allowed to stay for good. The Congress regularized their status with an eye on their votes. Retarded development in Assam and routine negligence by the federal government,

The students interpreted the Congress government's intransigence as an indication of its reluctance to forgo the electoral advantages of regularising the presence of an alien community. Their fears were not entirely misplaced. Since its inception in 1956, the All Assam Students Union (AASU) had often agitated against the illegal entry of immigrants. Successive Congress governments, at both the federal and provincial levels, had ignored their demands and facilitated the settlement of the Bengali speaking Muslim immigrants.

To add insult to injury, at the height of the students' movement, Mrs. Gandhi decided to hold provincial elections in Assam in 1983, ostensibly because the province had been under President's Rule for a whole year, beyond which the Constitution stipulates that an elected government should take over. Worse, brushing aside pleas to postpone the polls, she decided to use the electoral roll prepared in 1979, which, according to the agitators, contained the names of millions of illegal immigrants. As preparations for the elections began, the students insisted that around 600,000 immigrants who settled in India without authorization between 1961 and 1971 should be dispersed in other provinces, and about 3.5 million unlawful aliens on the electoral lists had to be disenfranchised (Wilson, 1992:255). They urged the government to suspend the elections till new electoral lists were prepared and threatened to boycott the polls if its demands were ignored. Unmindful, Mrs. Gandhi rejected both demands and ordered that the election should go on as per the original schedule.

By then, the communal situation in the province had deteriorated considerably. The native Assamese population vented its anger on the so-called aliens by resorting to inhuman violence and mass murders. On February 18, 1983, the predominantly Hindu Assamese demonstrators massacred over 1800 Muslims in Nellie, a village barely 70 kms away from the provincial capital, Guwahati. They also killed Muslims in adjoining villages on the suspicion that they were 'outsiders.' The total toll of deaths was around 3000 and at least a quarter million people were displaced (Wilson, 1992:256).

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exacerbated the tensions between the 'foreigners,' i.e., the Bengali speaking Muslims and the natives, viz.,the Assamese speaking Hindus. In 1979, in the face of growing unemployment, the students of Assam launched an agitation demanding the ouster of the 'foreigners.' They alleged that the continued presence of illegal outsiders not only imposed huge burdens on the province's resources but also contributed to the erosion of the native Assamese culture. The students also resented the dominance of the so-called 'outsiders' in trade, business, finance and other sectors. Though their complaints about the federal government's exploitation of the province's resources was genuine, the students' demand for deporting 'foreigners' was not feasible. Instead of redressing the genuine socio-economic demands of the students, the federal government met their protests with dilatory tactics and brutal suppression. As tensions mounted and the protests spread all over the province, the chasm between the native Assamese and the neo-Assamese widened, resulting in ethnic violence. For an account of the civil disturbances in Assam and their historical background, see Gupta, 1984. Also, see Wilson, 1992.

The Nellie massacre was a human tragedy of appalling proportions. Both the opposition and the agitators had repeatedly requested Mrs. Gandhi to put off the polls. They had told her that the situation was indeed volatile and needed adroit handling. The provincial administration lacked the motivation and the wherewithal to deal with the surcharged atmosphere. By neglecting the ground reality, Mrs. Gandhi, in a manner of speaking, abetted the slaughter of the Muslims. Sadly enough, after shedding so much blood, she achieved little, politically, because the election elicited hardly any public participation. The voter turn out in several ridings was less than ten percent. Though the Congress won 78 of the 91 provincial seats, its government remained illegitimate in the eyes of the people.

The Nellie massacre was a severe blow to all the religious minorities because, in spite of ample information, the state had failed to protect the lives of innocent Muslims. It bolstered Bhindranwale's argument that the Hindu dominated Indian state was persecuting the minorities. His allegations gained further credibility when, close on the heels of the Nellie killings and the civil disturbances in Punjab, Mrs. Gandhi acted in an unconstitutional and partisan manner in another sensitive province, Kashmir. In July 1984, she engineered the defection of twelve MLAs from the ruling National Conference government and dismissed it soon after on the ground that it had lost its majority in the legislature. Acting on a cue from Mrs. Gandhi, the Governor of Kashmir, Jagmohan, abruptly dethroned Farooq Abdullah from the Chief Minister's post and installed G.M. Shah, the leader of the defectors, in his place. Farooq Abdullah had incurred the wrath of Mrs. Gandhi because he was often confabulating with the other opposition parties to form a united anti-Congress front and had arranged a conclave of opposition leaders in Srinagar, the capital city. Earlier, he had vanquished the Congress in the provincial elections. The dismissal of a democratically elected government in Kashmir not only dishonoured the political mandate of the Kashmiris but also shattered the fragile peace in the region. It gave immense credibility to Pakistan's propaganda that India was not interested in the well-being of the Kashmiris but only in treating the province as a vassal state.

OPERATION BLUESTAR IN PUNJAB

Meanwhile, by early 1984, terrorist attacks had dramatically increased in Punjab and its neighbouring areas. Bhindranwale's men were now killing lay citizens at random, but Hindus bore the brunt of their attacks.[40] Sikh militants also destroyed public property, bombed buses and train stations, and eliminated their vocal opponents. At this stage, the police and paramilitary forces were no match to the militants because the latter had sophisticated weapons and they took shelter in gurudwaras (Sikh temples) after committing crimes. Soon enough, the Golden Temple in Amritsar, the holiest shrine of the Sikhs, became the base of Bhindranwale and his gun-toting supporters. From the safety of the shrine, they relentlessly continued their criminal activities, secure in the knowledge that the law enforcement agencies would not enter places of worship. Nothing short of total independence was their goal. They wanted to create terror in the minds of lay Hindus and ensure their exodus from Punjab. Though not the brutal sort of ethnic-cleansing witnessed in Bosnia and elsewhere, the impact of the militancy, nevertheless, was devastating.

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[40] For a list of the terrorist attacks, bombings, and murders perpetrated by Bhindranwale's followers between February and May, 1984, see Jeffrey, 1994:168.

In retaliation, the Hindus of Punjab formed several aggressive political bodies such as the Hindu Suraksha Samiti (Committee for the protection of Hindus), Bajarang Dal, and, the Shiv Sena. The RSS also became active and together these bodies lobbied the government to protect the interests of the Hindus. Finally, as Mrs. Gandhi had envisioned, the Sikh and Hindu communities stood vertically divided. What she had not reckoned with was the extraordinary violence that accompanied this process and the tenacity with which the Sikh fundamentalists fought for secession.

Since all her options were exhausted, Mrs. Gandhi decided to send the army inside the Golden Temple to flush out the terrorists. On June 6, 1984, in a commando style operation code-named Operation Bluestar, the soldiers of the Indian army stormed into the Golden Temple and fought a pitched battle with the Sikh separatists. The Golden Temple was severely damaged and the death toll was also huge. After the military action ended, a federal government White Paper claimed that 512 people lost their lives in the skirmishes (quoted in Jeffrey, 1994:181). According to unofficial sources who witnessed the whole operation, approximately 3000 people died, most of them innocent civilians caught in the crossfire between the separatists and the soldiers. Among the dead was Bhindranwale.

Operation Bluestar outraged the Sikh community all over the world. Lay Sikhs felt deeply hurt by the desecration of the Golden Temple. Such was the pain felt by the community that, for the first time in independent India, Sikh soldiers of the Indian army openly rebelled and started a mutiny. Several prominent Sikh scholars, writers, artistes and intellectuals registered their protest by returning the honours and awards conferred by the federal government. A couple of Sikh M.P.s resigned from the Parliament.

Successful though it was, Operation Bluestar did not stamp out terrorism from Punjab. The overwhelming presence of the military in the province provided some respite from militancy, but it was temporary. The army continued to comb villages and towns for terrorists and killed them in numerous 'encounters.' As their top leaders were killed in Bluestar, the separatists had to lie low for a while.

Though discerning intellectuals among the Hindus were critical of Mrs. Gandhi's action, Operation Bluestar did enhance her standing among lay Hindus. They perceived her as a heroic woman who stood up to the challenge of Sikh militancy. This perception was not unusual because the Hindu dominated media had apportioned the blame almost entirely on the Sikhs and stereotyped them as yet another 'ungrateful minority' like the Muslims. Also, in the months leading up to Bluestar, Mrs. Gandhi had imposed strict censorship on the mass media as a result of which people in the rest of the country remained unaware of the facts of the Punjab crisis. All told, it did seem that Mrs. Gandhi had succeeded in polarizing the Hindu and Sikh communities and emerging as the protector of Hindu interests. After all, even the RSS lauded her for dealing firmly with the Sikh separatists.

But the worst was far from over. Few had estimated the depth of the anguish felt by the Sikhs. The harshness of Operation Bluestar turned even well-intentioned Sikhs against the government. The Congress regime compounded their trauma by failing to heal their wounds. It did little to set right the genuine grievances of the community. Mrs. Gandhi, perhaps, felt a false sense of euphoria about having broken the back of terrorism in Punjab. That she was sorely mistaken became apparent on October 31, 1984. On that day, two of her Sikh bodyguards shot her at point blank range and killed her instantaneously. Mrs. Gandhi paid with her life for recklessly manipulating the sensibilities of the minorities.

Throughout Mrs. Gandhi's last term in office, as her government lurched from one crisis to another, the Congress remained quiescent. It no longer served as an institutional mechanism for resolving disputes. In fact, the party had almost ceased to exist. After returning to office in 1980, Mrs. Gandhi surrounded herself only with those people who stood by her during the turbulent years of the Emergency and the Janata government. Since loyalty to the party chief was the only criterion for surviving in the Congress, her minions did not dare to oppose her when she played the 'Hindu card.' On the contrary, all prominent party leaders saw merit in her strategy and adopted it in their own provinces. Thus, A. R. Antulay, the Chief Minister of Maharashtra, promoted the Shiv Sena to break the monopoly of the communist dominated trade unions (Lele, 1995:1524). This communal policy provided tremendous boost to the Sena and enabled it to subsequently dethrone the Congress in Maharashtra.

CONCLUSION

Arguably, the most enduring legacy of Mrs. Gandhi's fifteen years in office was the all-round delegitimation of the pillars of Indian democracy and the weakening of secularism. She misused the rhetoric of socialism to gain an upper hand over her rivals in the Congress. Similarly, she inveigled the Communist Party of India (CPI) into supporting her and later discarded it unceremoniously when its support was no longer necessary. In the process, she also effectively destroyed the CPI. When the Jan Sangh dominated, non-Congress opposition challenged her, Mrs. Gandhi blatantly flouted all democratic norms and institutions to remain in power. To her goes the credit of providing Indians a glimpse of the fragility of Indian democracy and the monumental effort required to strengthen it.

But, by far, the greatest damage Mrs.Gandhi did was to impair the secular ethos of the country. During her tenure, the two significant religious minorities, the Muslims and the Sikhs, suffered immensely. The state repeatedly abdicated its responsibility toward these vulnerable communities and alienated them from the national mainstream. The federal government did virtually nothing to institutionalize secularism and safeguard the interests of the minorities.

Mrs. Gandhi saw the minorities as mere vote banks and no more, which was why she sidetracked the basic issues concerning the amelioration of their conditions. She ignored even innocuous and symbolic demands and did not honour a single commitment she made to the minorities. For instance, before the 1971 elections, Mrs. Gandhi promised the Muslim leaders that she would pass legislation to protect the autonomy of the AMU, but the statute she enacted achieved the opposite. Likewise, she agreed to improve the status of Urdu and set up a committee in 1972 under the chairmanship of Mr. I.K. Gujral to make suitable recommendations. The Gujral Committee submitted its report in 1975. But Mrs. Gandhi did not care to even publish the report. Much later, the Janata government published it. Not one of its suggestions was implemented. Before the 1980 elections, the Congress manifesto promised to provide statutory status to the Minorities Commission set up by the Janata government. After assuming office, she reneged on her promise. In fact, she undermined the credibility of the body by appointing unworthy individuals to run it.[41]

During Mrs. Gandhi's long innings, several judicial commissions probed communal riots and indicted the RSS, Jan Sangh and the Shiv Sena, aside from several Congressmen. She totally ignored all the judicial reports and did not even lay charges against the indicted bodies and individuals. I shall deal with this issue at greater length in the next chapter.

A lasting consequence of Mrs. Gandhi's communal politics was splitting the nation along religious lines. By consolidating a Hindu constituency for electoral gains, she laid the groundwork for the emergence of the Hindu nationalists.

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[41] For an analytical account of the factors that led to the failure of the Minorities Commission, see Wright, Jr., 1986.

CHAPTER 8

THE DECLINE OF SECULARISM IN INDIA 1985-1997

THE CRISIS OF INDIAN SECULARISM DURING RAJIV GANDHI'S REGIME 1985-90

Rajiv Gandhi became the Prime Minister of India unexpectedly in the aftermath of his mother Indira Gandhi's assassination. A former pilot with the domestic Indian Airlines, he had little prior experience in public administration and politics. His lack of political finesse became apparent in the way he handled the events that unfolded after his mother's death on October 31st, 1984.

THE ANTI-SIKH RIOTS

As the news spread that Mrs. Gandhi's Sikh bodyguards had killed her, supporters of the slain Prime Minister vied with each other to exhibit their loyalty to the Gandhi family by organizing communal attacks on Sikhs 'to teach them a lesson.' From November 1st to November 4th, the day Mrs. Gandhi was laid to rest, local Congressmen in Delhi orchestrated riots throughout the capital and the surrounding areas (Tambaiah, 1990:746). For four days, they moved in well-armed groups from locality to locality and systematically killed innocent Sikhs, looted their properties and destroyed their homes and businesses.[42] Sporadic attacks continued till November 10, 1984. The law enforcement agencies did not intervene to arrest the rioters, and, in several instances, actively abetted their violence. As the Sikhs were the main objects of the Hindu wrath, they comprised an overwhelming majority of those killed. Official and non-official sources differ on the number of deaths. According to the Delhi administration, 2,307 people died in the civil disturbances (quoted in Tambaiah, 1996:119). But, independent investigations conducted by civil liberties and human rights bodies put the toll at 3, 879 deaths (ibid.). The Justice Ranganath Misra Commission of Inquiry, appointed by the federal government, conceded that the final toll of victims exceeded the 2000 mark. The plight of the survivors of the riots was worse than those who perished. Overnight, they lost their properties and means of livelihood in the communal frenzy. Sikh women, by the thousands, became widowed, and, in numerous instances, their kids became orphans. The Congress maintained that enraged Hindus responded spontaneously to the assassination of Mrs. Gandhi. Party functionaries from Rajiv Gandhi to local activists claimed that the mass anger exploded so suddenly and with such intensity that the security forces were caught unawares and were completely outnumbered by the rioters. Subsequent investigations, however, proved that there was not much substance in the arguments of the

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[42] There are several scholarly, journalistic and investigative analysis of the Anti-Sikh riots. For academic analysis from an anthropological perspective, see Tambaiah, 1990:744-748; 1996:110-139 and Das, 1996:157-203. Civil liberties and human rights activists conducted their own investigation into the riots and produced detailed reports. Prominent among them are the ones conducted by the Peoples Union of Civil Liberties (PUCL), 1984, and Citizens for Democracy, 1985. Chakravarty and Haksar (1987) also provide graphic narrative of the riots and shed light on the role of the Congress and the law enforcement agencies.

Congress.

The anti-Sikh riots were unique in several senses. Unlike most communal clashes, the violence did not erupt in a big way on the day Mrs. Gandhi was killed, i.e. October 31, 1984 (Das, 1996:165). Fierce rioting started only on the following day. Press reports and statements of victims in the affected localities also confirm that on the night of October 31st, Congress activists held conclaves in different parts of the city and made arrangements for attacking Sikhs and their properties (ibid.). Notable Congress M.P.s of Delhi personally planned the operations and gave instructions to their followers on how they should create disturbances. Victims who deposed before the Misra Commission of Inquiry revealed that they saw Congress leaders instigating the riotous mob to kill Sikhs, a fact that independent investigations by civil liberties and human rights activists also stressed. According to unverified media reports, the Congress leaders had the blessings of Prime Minister Rajiv Gandhi to carry out the attacks, which, perhaps, was why the law enforcement agencies did not contain the riots and arrest the mischief mongers summarily. All investigative reports on the riots, including the official Misra Commission report, accused the police of negligence of duty and, in several instances, actually inciting the mobs to attack Sikhs (Tambaiah, 1990:747; *Lawyers Collective*, October 1996:25-27).

Regardless of how it happened and who were behind it, the indubitable fact is that the Sikhs, who had nothing to do with the assassination of Mrs. Gandhi or the insurgency in Punjab, were specifically singled out for the attacks and they suffered the most. The Delhi administration stated before the Misra Commission that Hindu mobs destroyed 180 Sikh temples and 11 educational institutions run by the Sikhs. The anti-Sikh riots were the first instance of organized Hindu attacks on the Sikh community, aside from the atrocities of the security forces on the Sikh population in Punjab. They took place close on the heels of Operation Bluestar and the desecration of the Golden Temple in Amritsar, events that had traumatized the entire Sikh community.

How did the Rajiv administration deal with the riots and the enormous rehabilitation work that was urgently required? In addition to allowing the riots to run their course, both the Delhi administration and the federal government did little to help the victims. Non-governmental organizations were more effective in providing relief and supplies to those that had lost everything in the civil disturbances. Another significant lapse of the Rajiv government concerned the way it dealt with the perpetrators of the riots. It almost completely ignored the recommendations of the Misra Commission. It did not discipline police officials and government servants whose complicity and/or dereliction of duty were well established. As the President of the Congress, Rajiv Gandhi did not expel his party members who actively participated in the riots. On the contrary, ignoring strong protests of the survivors, he inducted some of them in his cabinet. Sikhs were particularly outraged when Rajiv elevated a M.P. from Delhi -- a patron of the capital's mafia and one whose role in the riots was common knowledge-- to the post of a powerful federal minister and provided him unprecedented security.

Equally worse, the government banned the report of the Peoples Union of Civil

Liberties (PUCL) titled *Who Are the Guilty?* It also seized the press where the report was published. Evidently, the unbiased findings of the PUCL report would have exposed the real culprits and the government's efforts to shield them. Recently, soon after assuming office in March 1998, the BJP government also banned a book by Akali Dal politician Gurcharan Singh Babbar titled *Sarkari Qatl-e-Aam* (Government Organized Carnage) concerning those involved in the 1984 riots (*Outlook*, April 6, 1998:28). Babbar has compiled the narratives of the survivors, and, in a separate chapter, lists the names of all the policemen and politicians involved in the carnage. The book is critical of the Congress. Yet, the BJP lost no time in outlawing it because both parties are vying for the leadership of the Hindu constituency and do not wish to expose their 'Hindu' brethren to trouble.

RAJIV'S VICTORY : THE CONSOLIDATION OF THE HINDU CONSTITUENCY?

Though he sullied his record soon after assuming office, Rajiv still commanded the goodwill and sympathy of the Hindus. As I mentioned earlier, in the eighth general elections held in December, 1984, he led his party to a splendid victory. Surpassing all previous records, the Congress won 415 out of 542 seats and obtained 48.1 percent of the popular vote (Butler, et al, 1995:96-97). By contrast, the BJP was completely routed with only two of its 229 nominees winning the polls. It managed to secure only 7.4 percent of the total votes (ibid.). The centrist opposition parties also fared poorly. The media and political analysts attributed the massive Congress victory to the 'sympathy factor' that helped Rajiv after Mrs. Gandhi's assassination.

A more fundamental reason was that Rajiv reaped the benefits of the 'pro-Hindu' policies pursued by Mrs. Gandhi. On a superficial level, her assassination vindicated her claims that 'anti-national forces' were bent on dismembering India and spreading chaos. Rajiv Gandhi exploited the same theme and played on Hindu fears of an 'international conspiracy' to sabotage their interests. He repeatedly criticized the Anandpur Sahib resolution as a 'secessionist document' and portrayed the Sikh militants as agents of Pakistani terrorism. Being inimical to Indian interests, Pakistan did try to fish in the troubled waters of Punjab after civil disturbances erupted there. But its involvement was minimal, and, it certainly did not create either the secessionist movement or the 'Punjab problem.'[43] Yet, from Rajiv Gandhi's election speeches, Hindus got the sense that the Sikhs were waging a 'secessionist battle' upon the instigation of the Pakistanis and at their behest. The factual inaccuracies in this portrayal conveyed the impression that the entire Sikh community was up in arms against the nation, which, to put it mildly, was absurd. Nevertheless, the Congress offensive was so successful that even the RSS supported it to prevent India's 'disintegration' (Frykenberg, 1993:245). Finally, the party had succeeded in usurping the 'Hindu card' and the Hindu constituency from the BJP.

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[43] In a monograph published by the London based Research Institute for the Study of Conflict and Terrorism, Joshi (1993) discusses the role of Pakistan in Sikh militancy. In its *White Paper*, the federal government alluded to the Pakistani abetment as one of the factors that led to Operation Bluestar. Later, in 1993, it produced a pamphlet titled 'Facets of a Proxy War' in which it blamed Pakistani involvement in the disturbances in Punjab. But, according to Joshi, the evidence of Pakistani involvement was 'necessarily circumstantial' (1993:24). He says that it was restricted mainly to providing sanctuary to terrorists who wanted to avoid the dragnet of the Indian security forces.

INITIAL ADVANTAGES AND HANDICAPS

Rajiv Gandhi began his tenure with some distinct advantages. He had a massive majority in the Lok Sabha and a solid Hindu constituency to back him. Still in his early '40s, he had the image of a youthful, dynamic leader. Since he had never held a political office before, Rajiv was unencumbered by scandals and enjoyed great popularity as 'Mr. Clean.' And yet, he had to contend with three major problems that he inherited from Mrs. Gandhi's regime. They were: all round institutional decay, a precarious economy, and, the dangers inherent in political mobilization along religious lines.

In August 1985, Rajiv concluded pacts with the Sikh leaders of the Akali Dal and the student leaders of Assam, conceding their major demands. Contradicting his earlier remarks about the Anandpur Sahib resolution, he now agreed that it contained the genuine demands of the Sikhs. The Rajiv-Longowal Accord, as his pact with Sant Longowal of the Akali Dal was known, among other things, promised to handover Chandigarh to Punjab by January 26, 1986. The transfer of the capital city was one of the major demands of the Sikhs. But, following stiff opposition from the Congress Chief Minister of Haryana, the federal government could not implement the Accord. This failure further embittered the Sikhs. Within months, terrorism reappeared in Punjab. In contrast, the Assam accord was more successful. Bowing to pressures from the students of Assam, Rajiv dismissed the Congress government in the province and agreed to detect and defranchise 'foreigners' who entered the province from January 1966.

1985 also happened to be the centenary year of the Congress. The party was in an advanced state of disrepair. Rajiv was saddled with an attenuated, ill-motivated party apparatus that was completely estranged from the masses. It did not take long for Rajiv to realize what a daunting task it was to clean the Augean stables of the Congress. As in the case of his mother, the absence of organizational support cost Rajiv dearly. Almost all his public policies foundered because they lacked inputs from the grassroots levels.

THE MISHANDLING OF THE SHAH BANO CASE

The extent to which the Rajiv administration was out of sync with popular aspirations became apparent from its bungling of the Shah Bano affair.[44] In April 1985, the Supreme Court delivered its verdict in the Shah Bano case, which I referred to in chapter three. To briefly recapitulate the case, in 1975, Mohammed Ahmed Khan of Bhopal threw Shah Bano

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[44] For details and analysis of the Shah Bano case, see Awn, 1994:63-78; Engineer, 1987; Everett, 1995:61-85; Pathak and Rajan, 1989:558-582.

--his wife for forty three years-- out of his house and married another woman. An illiterate woman, Shah Bano filed a court case demanding that she be provided maintenance under Section 125 of the Criminal Procedure Code (CrPC) of 1872.[45] Her husband immediately divorced her by resorting to *'talaq-ul-bidah'* (uttering the word 'talaq' thrice) and returned her *mehr* (dowry) of Rs. 3000. Rejecting Shah Bano's plaint against him, he argued that his marriage fell within the ambit of the Muslim personal law, and, according to its provisions, he had returned the dowry and had no obligation to provide maintenance to her. He further pointed out that Section 127 of the CrPC laid down that maintenance under Section 125 is annulled if a husband pays to his wife, at the time of the divorce, the sum legislated by any personal law. The crux of his argument was that both the Shariat and Section 127 exempted him from the obligation to provide for his ex-wife after divorcing her and returning her dowry. He, therefore, refused to pay the picayune sum of Rs. 179.20 ordered by the Madhya Pradesh High Court and went in appeal to the Supreme Court.

After ten years of legal wrangling, the Supreme Court finally ruled against Mohammed Ahmed Khan and upheld the verdict of the High Court. It rejected his contention that his obligations ceased after returning the dowry, pointing out that the dowry was a payment made on marriage and not on divorce, in other words, that its repayment was immaterial to the merits of the case. The Court said that Section 125 was meant to prevent destitution and vagrancy and that it overrides any religious laws, although it does not dislodge them (Everett, 1995:72). To fortify their verdict and prove its consistency with the tenets of Islam, the judges also quoted two *ayats* (verses) from the Quran which laid no time limit on providing maintenance to divorced wives. The judgement was indeed progressive to the extent that it gave priority to secular laws over antiquated canonical laws and re-interpreted Islamic laws to suit the secular agenda. As I discussed in chapter 5, its major flaw, however, was that it unnecessarily used sharp and provocative language while criticizing the lowly status of women in Islam and arguing for a uniform civil code.

Muslim conservatives, who were incensed by the Supreme Court's ruling, denounced the judges' indiscretion and launched a massive protest. They argued that the judgement amounted to an interference with the Muslim personal law and that the judges harped on the uniform civil code because they wished to ensure the assimilation of the minorities within the Hindu fold. To discredit the judgement, Muslim fundamentalists also questioned the competence of 'Hindu' judges in interpreting the Quran. They complained that by not giving precedence to divinely inspired Islamic laws, the Court had insulted Islam and encroached on the religious autonomy of the Muslims. With every passing day, the Muslim protests became more raucous.

In the face of the mounting opposition, the task before the federal government was plain and simple. It had to popularize the salutary aspects of the judgement, particularly among Muslim women, and support progressive opinion within the Muslim community. This task was particularly urgent because the conservatives were bent upon blunting the far-reaching consequences of the Court's decree. Besides, the distasteful remarks of the judges had needlessly mired in controversy what was otherwise an enlightened verdict that could strengthen secularism. An equally pressing responsibility of the Congress was to encourage reforms within the framework of the Shariat. Also, if he had the political sagacity, then Rajiv would have exposed the majoritarian agenda of the BJP in demanding a uniform civil code in the guise of promoting the interests of Muslim women. But, since he too was pursuing the politics of majoritarianism, he lacked the credibility and the moral authority to unmask the politics of the Hindu nationalists. More fundamentally, his predicament stemmed from the risks involved in 'appeasing' the minorities and alienating the Hindu majority and vice-versa. Years of manipulative religious mobilization forced him into a situation in which he was caught between the devil and the deep sea.

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[45] Section 125 of the Criminal Procedure Code lays down that if any person having sufficient means neglects or does not maintain his wife, children or parents in need, then the magistrate can order the person to pay a monthly sum not exceeding Rs. 500.

Initially, the Rajiv government lauded the Supreme Court for its bold and innovative ruling. The Muslims feared that, in accordance with the Court's directive, the government would enact a uniform civil code. Through fiery speeches, demonstrations, strikes and agitations, the Muslim conservatives aroused anxieties among their co-religionists that their religious identity was at stake. Since the early '80s, the Muslims were apprehensive about their future because of the patently pro-Hindu bias of Mrs. Gandhi. The Shah Bano judgement and the government's approval of it fuelled their grim forebodings. Unfortunately, the ruling Congress did not have the cadres and the organizational strength to popularize the government's stance and the benefits of the judgement. There were a handful of Muslims in the Rajiv cabinet, but their appeal in their community was limited. Thus, by default, the forces of Muslim reaction gained the upper hand in the Shah Bano debate. Within a short period, their protests snowballed into a massive, nation-wide movement. In a knee-jerk response, the Hindu right, battened by years of government patronage, threatened to launch counter-protests if the Rajiv administration capitulated to the Muslim conservatives.

As the controversy was raging, in December 1985, several parliamentary bye-elections were held. Much to the dismay of the the Congress, both the Muslim conservatives and the Hindu right made the Shah Bano verdict central to their election campaign. Due to the scare-mongering rhetoric of the former, the Congress suffered ignominious defeat in several constituencies, particularly those that had sizeable Muslim populations (Hasan, 1988:2474; Pathak and Rajan, 1989:559). What made the Congress setback acute was the fact that it came so soon after the landslide victory in the general elections held just a year before. Nevertheless, the party had a premonition that it would be rejected because even in the provincial elections that took place within months after the Lok Sabha polls, the scale of its victory was subdued. The electorate ousted the Congress from office in Karnataka, Andhra Pradesh and Sikkim. The debacle in the bye-elections only validated Congress misgivings that the minorities, who had returned to their camp in the 1980 general elections, were once again distanced from the party.

The upshot of the Muslim backlash, the defeat in the bye-elections, and the inability of the Congress to counter the conservative propaganda was that the Rajiv government was left with no option other than to give in to the Muslim demands. Meanwhile, encouraged by their impressive victory in the bye-elections, the Muslims stepped up their agitations. In early 1986, over half a million Muslims congregated in Delhi and issued an ultimatum to the government to amend the Constitution and protect the Muslim personal laws. Unsettled by the show of strength and the belligerence of the mullahs, the federal government did a complete *volte-face* regarding the Shah Bano verdict. The Congress decided to support an independent Muslim member's bill to exclude women from the purview of Section 125 of the CrPC.

Throughout the controversy, Rajiv Gandhi shifted his stances endlessly, promising different things to the Muslim leaders, the womens groups, and the opposition parties. At first, he agreed to bring out a 'background paper' dealing with the various facets of the problem such as the legal issues, the protection of the rights of Muslim women and the reforms in the Shariat promulgated by Islamic countries (Noorani, 1990:289-90). Rajiv categorically stated that the government would hold wide-ranging consultations and debates on the issue before formulating its policy. Mysteriously, however, just weeks later, the government dropped the idea of publishing a background paper without assigning any reason. Instead, it proceeded with enacting the private member's bill into law. Interestingly, the Law ministry resisted the introduction of the bill and pointed out that it was unnecessary because the Supreme Court had interpreted the existing statues appropriately (Zoya Hasan, 1991:148). Womens groups, social workers and enlightened sections of the Muslim community also strongly opposed the bill on the ground that it would hurt the interests of indigent Muslim divorcees.[46] Nevertheless, in May 1986, in the teeth of severe opposition, the Congress issued a whip to its parliamentarians to vote for the Muslim Women (Protection of Rights in Divorce) Bill.

Ironically, the new statute grossly undermined the position of Muslim women in the name of protecting them. Under the Muslim Women (Protection of Rights in Divorce) Act, they cannot claim any maintenance under Section 125 of the CrPC. Instead, it stipulates that if a Muslim woman cannot support herself after divorcing her husband, then it is the responsibility of her children, parents or relatives to support her, in lieu of which they would be entitled to inherit her property, if any, after her death. If, however, a Muslim divorcee has no one to turn to, or if her relatives do not have the means to support her, then, the State Wakf Boards (i.e. bodies entrusted with looking after pious bequests of Muslims) should provide maintenance to her. As for Muslim men who summarily cast off their wives through *'talaq-ul-bidah,'* the Act states that their responsibility ends after they return the dowry and provide maintenance during the *iddat* (i.e. a period of three months following divorce).

It need not be laboured that the new law was a retrogressive step. It gave official sanction to one of the least approved aspects of the Shariat that even Islamic nations have abandoned. The statute deliberately overlooked the fact that the Shariat does provide for maintenance even after the period of *iddat*. Its legislators transferred the responsibility of maintaining Muslim divorcees on the Wakf Boards in spite of knowing that they are dysfunctional. It is common knowledge that the Wakf Boards in almost all the provinces are in dire financial straits (Noorani, 1990:291). To make matters worse, they have been plagued by mismanagement, defalcation, and, nepotism.[47] Political parties have exploited both the Central Wakf Council--administered by the federal government--and the provincial Wakf Boards for personal and political gains and rendered them ineffective. Over the years, the office of the Chair of the Wakf Board (with the status of a cabinet rank minister) has become a sinecure that is given to prominent Muslim politicians of the ruling party in exchange for their support. No political party is interested in stemming the rot in the Wakf Boards because it involves taking on entrenched vested interests in the Muslim community and might be electorally detrimental. Small wonder, then, that no government has acted on the voluminous reports on the maladministration of these bodies. Given such distressing circumstances, how can Wakf Boards come to the rescue of Muslim divorcees?

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[46] For details of the demonstrations, agitations and mass protests launched by womens organizations, Muslim reformist and progressive bodies and secular intellectuals, see Pathak and Rajan, 1989:578-580.

No one can make the case that the government was unaware of the dismal state of the Wakf Boards before assigning a new responsibility to them. On umpteen occasions, agitated Muslim M.P.s have grilled the federal government in the Parliament about the misdeeds of the Wakf Boards. Likewise, in provincial legislatures, opposition M.L.A.s have assailed the inaction of their governments regarding the misuse of Wakf properties. At all levels, governments have displayed great reluctance to swiftly bring to justice the culprits at the helm of the Wakf Boards. Given their pathetic conditions, the Rajiv government should not have burdened the Wakf Boards with an additional responsibility. If nothing else, it should have allowed the status quo to continue, so that at least some Muslim divorcees like Shah Bano, who have the means to approach the courts, could obtain relief under secular laws. But, the Muslim Womens (Protection of Rights in Divorce) Act, effectively closed all avenues for their amelioration. Why, then, did Rajiv take such a retrograde step? He did so because the pressure tactics of the Hindu nationalists left him with little room to manoeuvre.

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[47] There are 24 Wakf Boards administered by the provincial governments. The Wakf Board manages the properties donated by philanthropic Muslims and uses their income to promote social activities such as building schools, orphanages and the like. In other words, the Wakf Board acts as the trustee of the properties given in charity by Muslims. In addition to income from charitable properties and other assets, all Wakf Boards get a small grant from their provincial governments. They can also avail the developmental loans disbursed by the federal government through the Central Wakf Council to develop the properties under their control. Several Wakf Boards have violated the public trust and misappropriated their funds. Following public uproar, the provincial governments have abrogated the Boards in some cases or superseded them. For instance, in 1965, the Punjab government superseded the Punjab Wakf Board on grounds of 'financial and administrative irregularities.' Again in 1981, the government had to supersede it for similar reasons. This sorry state of affairs continues to this day. In West Bengal, the members of the Wakf Board leased out prime Wakf properties in Calcutta and surrounding areas at throwaway prices, causing the Board a loss of roughly Rs. 160 million (*Sunday*, Aug. 11-17, 1996:48-49; *The Telegraph*, August 25, 1996). The Sengupta Commission that probed the accounts and activities of the West Bengal Wakf Board, reported widespread irregularities and corruption. It noted that the Board made available accounts only till 1984-85. No proper accounts were maintained there after. The investigation is still in progress. Other Wakf Boards have also committed similar irregularities and the provincial governments have been forced to supersede them.

THE RAM TEMPLE CONTROVERSY

As Muslims started protesting against the Shah Bano verdict and demanded that it must be voided through a Constitutional amendment, Hindu nationalists decided to outsmart them in wangling concessions from the government. The VHP and the Ram Janam Bhoomi Action Committee launched an agitation in October 1985 urging the government to open the doors of the Ram temple in Ayodhya, which were locked in 1949 following a Hindu-Muslim dispute about the ownership of the site. Thanks to effective campaigning by the VHP, RSS and the BJP, the Ram temple issue struck a chord among the Hindus. Throughout north India, Hindus angrily protested against what the VHP described as the 'ill-treatment of Hindus in their own land.' Rajiv, who had obtained an overwhelming mandate from the Hindus, could not ignore the rising crescendo of their demand. He was interested, moreover, in consolidating his Hindu support base in order to perpetuate his regime. Rajiv, therefore, contrived to unlock the doors of the Ram temple.

In February 1986, the District Judge[48] in Ayodhya summarily ordered, *ex parte*, the opening of the locks of the Ram temple on the 'assurance' of the District Magistrate that doing so would not affect the Muslims. His order, which noted jurist Dhavan describes as 'legally suspect,' overturned an earlier order of the local Munsif who had previously refused to entertain a similar plea (Dhavan, 1994:3036). Though, outwardly, the Rajiv administration did not have anything to do with the judicial order, it is widely believed that the Prime Minister personally intervened through Arun Nehru, his cousin and a minister in his cabinet at that time, to clinch the matter in favour of the Hindus. Apparently, Arun Nehru influenced the District Judge to open the doors of the temple (Ganguly, 1993:104).

Even assuming that the Congress did not play any role in securing the favourable order, the Rajiv government, at least, could have appealed the decision or once again locked the doors citing legitimate law and order concerns. In fact, the latter situation presented itself when riots broke out throughout north India within days after the temple was opened to worship. But the government did not intervene. The Muslims complained that the court's order was hasty and unjust, that they were never consulted before passing the order and so on, all to no avail. Their appeals against the verdict of the District Judge are still pending before the higher courts. To add insult to injury, on the eve of the 1989 general elections, the federal government permitted the VHP activists to perform *shilanyas* (foundation laying ceremony) at a site adjacent to the Babri mosque, flouting an order of the Allahabad High Court that had declared it a 'disputed site' and ordered that no activity should be held on it. Later, Prime Minister Rajiv Gandhi inaugurated his party's election campaign from Ayodhya and openly assured Hindus that, if re-elected, his government would facilitate the construction of the Ram temple (Chenoy, 1994:3).

Through his partisan intervention, Rajiv breached an old truce between Hindus and Muslims that Pandit Nehru had brokered. He, perhaps, did not realize that his actions were fraught with terrible consequences. The Hindu nationalists interpreted the government's concession as proof of its willingness to concede bigger demands, if suitably pressed. The VHP, therefore, demanded that the Babri mosque should be demolished and a huge Ram temple should be built at that site. Later, it produced a list of 3000 mosques in north India that it claimed were built on the sites of Hindu temples. Hence, the VHP wanted the government to force the Muslims to hand over the mosques or face demolition.

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[48] For details of the litigation and its illegality, see Noorani, 1991:78-83.

The opening of the Ram temple and the riots that followed angered the Muslims who, at that time, were struggling to salvage the autonomy of their personal laws. They challenged the government with renewed vigour on the Shah Bano issue because they were now determined to have their way. Having patronized the Hindus, Rajiv had no choice other than going along with the conservative Muslim opinion on the question of their personal laws. The ill-conceived Muslim Womens Act was a product of such a communal compromise.

Rajiv could not have been more wrong if he thought that he had earned the goodwill of both Hindus and Muslims by complying with their sectarian demands, or, that since both communities got what they clamoured for, such unreasonable requests would cease. Within months of the Shah Bano and the Ram temple episodes, he found himself on the horns of a dilemma once again. This time, the Muslims urged him to ban Salman Rushdie's The Satanic Verses because it offended their religious sentiments (Thakur, 1993:650-53). He hardly had a choice, having exposed his vulnerability on earlier occasions. Even before the Muslim demand could gather momentum, the Rajiv government banned Rushdie's book, citing threats to public order. The haste with which the government acted betrayed its eagerness to placate the forces of Muslim obscurantism. Was it because the Congress thought it could win back the support of the Muslims, or, did the government genuinely fear that it would be unable to contain the riots that were sure to follow? What ever the reason, the banning was yet another blow to secularism, but the Congress, in any case, had jettisoned the policy long ago.

By shedding its secular orientation, the Congress lost its most distinguishing character. Sensing the shift in the Congress policy, competing communal groups became more audacious. Within a short span of time, their demands became more importunate. Unfortunately, instead of adopting a tough stance, the beleaguered Prime Minister took the line of least resistance. Thus, in September 1987, when another instance of sati took place in Rajasthan, Rajiv, like his mother Mrs. Gandhi, did not pursue the culprits vigorously and allowed the matter to die down after the initial uproar.

ANOTHER INSTANCE OF SATI IN RAJASTHAN

On September 4, 1987, an 18 year old Rajput woman, Roop Kanwar, committed sati[49] at Deorala, a small village in Rajasthan, following the untimely death of her 24 year old husband, Mal Singh. The Rajput in-laws of Roop Kanwar forcibly burnt her on her husband's funeral pyre. Hindus belonging to the powerful Rajput caste--a dominant caste group in Rajasthan that is proud of its warrior-like traditions--who witnessed the incident, claimed that Roop Kanwar volitionally immolated herself. But critical inquiries by social activists revealed that she was 'drugged into submission by her in-laws' and, when she tried to escape, was pushed back into the burning funeral pyre (Hawley, 1994:83).

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[49] For critical accounts of the sati in Deorala, see Hawley, 1994 and Kishwar and Vanita, 1988.

The motive behind this pre-meditated murder was monetary gain. Soon after the incident, the local Rajputs declared the actual spot where the sati took place as '*sati sthal*' (lit. place of sati, i.e. a sacralized space) and vowed to build a temple in honour of Roop Kanwar, the sati. Pious Hindus, who flocked to the '*sati sthal*' to worship, made voluntary cash offerings and some donated in kind. By December 12, 1987, the total offerings collected amounted to Rs. 950,000 (approximately a little over C$ 31,000), a princely sum for a lower middle class Rajput family (Mojumdar, 1987:22).

As in the earlier instance of sati at Jhadli in Rajasthan, the provincial and federal governments, both ruled by the Congress, did not act swiftly in the initial stages. Their tardiness provided the perpetrators of the crime ample time to cover their tracks and destroy vital evidence. After womens groups and human rights activists staged protests, the Rajasthan government arrested about a hundred people. It, however, did nothing to prevent people from glorifying sati or converging at the site of the incident. Exasperated by the government's inaction, womens activists filed a case in the Rajasthan High Court requesting it to pass an injunction against 'celebrating' *Chunari* (the mass ritual conducted on the twelfth day after the sati). The Court directed the state to prevent the public staging of the event. But the local administration ignored its order. Around 200,000 people reportedly attended the *Chunari* ritual and glorified Roop Kanwar's courage and self-sacrifice.

The sati at Deorala provoked varied responses throughout the country. The VHP and RSS supported the powerful Rajput community's claim that sati was a part of its religious custom and that no government should interfere with it. The Hindu right organized defiant rallies at various places condemning what it called the government's 'selective intervention' in the religious affairs of the Hindus while allowing Muslims to retain their personal laws. Fortunately, the secular response from grassroots civil rights bodies was also strong. They demanded condign punishment for the perpetrators of sati and lobbied for more stringent laws.

To salvage its secular credentials, the Congress governments at both the provincial and federal levels passed anti-sati laws. The Rajasthan government hastily promulgated an ill-drafted, toothless ordinance outlawing sati and its glorification. Later, it was converted it into a bill and passed in the provincial legislature in November 1987. The Rajiv government also passed a similar bill in the Parliament. These legislations were unnecessary as statutes that criminalized sati were already in the books. Besides, they were vague and full of legal loopholes (Kishwar, 1988:66).

As for the culprits behind the sati in Deorala, the provincial government released them on bail after popular interest abated. It did not prosecute them with any degree of seriousness, in spite of Herculean efforts by social activists to ensure that they are brought to justice. Consequently, after nearly ten years of perfunctory litigation, in October 1996, the court acquitted *all* the 36 accused in the case for want of evidence (*Times of India*, October 13, 1996).

THE POLITICAL ABUSE OF HINDU EPICS

By remaining passive and non-committal throughout the sati episode, Prime Minister Rajiv Gandhi was able to deflect a fair amount of Hindu anger over his concessions to the Muslims in the Shah Bano and Rushdie affairs. He did not wish to antagonize the Hindus because he wanted to weld the diverse Hindu community into one, unfragmented entity that would be subservient to his hegemonic goals. As one of the strategies towards this end, he carried forward the expansion of the mass communication network that Mrs. Gandhi had begun. According to the Rudolphs, in 1985, 88 radio stations and 117 transmitters reached 90 percent of the population and the state-owned TV network 'Doordarshan' was within striking distance of 180 transmitters covering 70 percent of the population (1990:92). During the latter half of the '80s, the Rajiv administration permitted the telecast of the Hindu epic *Ramayana*. Produced and directed by a Bombay film maker, the epic was in the mould of a syrupy Bombay mythological. It instantaneously caught the Hindu imagination and became wildly popular.

Innocuous though it might seem, the teleserial *Ramayana* had a barely concealed political agenda. Several scholars have commented on its patently upper caste bias, its emphasis on Brahmanical values and on how it legitimized social inequalities and caste hierarchies (Miller, 1991; Pollock, 1993; Rudolph, 1992, Sen, 1993; Thapar, 1989 and 1989a). Interestingly, the producer of *Ramayana* wilfully based his serial on the Ramcharitmanas of Tulsidas, a dominant, Brahmanical redaction of the epic, while ignoring its more radical, subaltern recensions.[50] Thus, the serial ironed out the rich and diverse narrative traditions of the epic and negated their validity.[51] In addition, it provided the framework for a homogeneous Hindu culture marked by a common set of values with which Hindus of all hues could identify, a process that Rudolph describes as the 'nationalization of culture' (1992:93). It also valorised 'the notion of Rama Rajya--a millenarian dream which envisages the well-being of all' and its sub-text was that this dream could be fulfilled only when the majority Hindus assume power (Thapar, 1989:74). The spectacular success of the *Ramayana* led to the telecast of the *Mahabharata*, a bigger epic on a grander scale, which further concretized a uniform conception of Hindu identity.

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[50] The major versions of the Ramayana can be broadly classified into three main categories: the Brahmanical, Buddhist and Jaina versions. Besides, in every vernacular language and in many tribal and folk traditions, there are versions of the Ramayana that are 'statements of a social condition and a historical moment' (Thapar, 1989:74). Thus, while the Sita of the Brahmanical version is gentle, docile and submissive, in folk versions, notably in the Tamil folk version, she is a powerful and assertive woman who kills the demon king Ravana, her abductor, in a single combat (ibid.). Similarly, as Sen points out, the epic hero, Rama, is considered a divinity only in the north and western parts of India, but in the east and north-east (provinces like Bengal, Assam etc.), he is just the hero of the epic (1993:8).

[51] For interesting analyses of the different versions of the Ramayana, see Richman, 1991 and 1995.

Under Rajiv Gandhi's stewardship, therefore, the communal polarization of India worsened considerably and created the conditions for the violent Hindu-Muslim conflicts of the 1990s. His myopic policies hastened the crystallization of a large body of upper caste, upper and middle class opinion against even the nominal secularism of the state. Hindus were quick to hold up Rajiv's partisan policies, particularly those favouring the Muslims, as examples of the hollowness of Indian secularism and demanded that it must be scrapped.

THE EMERGENCE OF PREDATORY CAPITALISM

Aside from policies that impinged directly on religion, Rajiv's economic policies also contributed in no mean measure to the deterioration of communal relations. He inherited a weak, debt-ridden economy from Mrs. Gandhi, one that had persistently dodged the task of fundamental socio-economic transformation. In 1981, the IMF sanctioned a staggering US$ six billion loan to India, the largest loan given so far, to revive the sluggish economy. With the loan came humiliating conditionalities that impoverished the most vulnerable sections.

Instead of pursuing egalitarian measures to revive the battered economy, Rajiv began his tenure by introducing policies of economic liberalization amidst much fanfare. All it meant was that the government would relax its controls over the private sector and remove some restrictions on imports and licensing requirements. It also involved reducing direct and corporate tax rates.[52] Mrs. Gandhi first initiated these measures in a limited manner during her last term in office. But Rajiv not only augmented the liberalization policies but also made them the centrepiece of his administration. He allowed himself to be swayed by a technocratic elite that had little understanding of the complexities of the Indian economy.

The liberalization policies neglected the vital sectors of agriculture and irrigation by further reducing the public outlays in these areas, a trend that Mrs. Gandhi started (Lele, 1994). Besides, they did not address the basic problems of the agrarian sector such as land reforms, low productivity, lack of inputs for the small and marginal farmers, limited flow of rural credit, and so on. The net result was that, overall, the majority of the agrarian population became more impoverished during the Rajiv era (Patnaik, 1992). The much hyped liberalization policies only increased fiscal profligacy by boosting the luxury consumption sectors such as those involved in manufacturing consumer durables. The relaxation of imports and the rise of defence expenditure[53] added to the burden of the tottering economy. The state resorted to borrowing heavily in both the international and domestic markets as a result of which, by 1989, its economic crisis reached unmanageable proportions.[54] To make matters worse, by the end of his term, Prime Minister Rajiv Gandhi was in the centre of a corruption scandal[55] involving the purchase of Howitzer guns from Bofors, a Swedish arms manufacturer.

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[52] Kartik Rai (1992) points out that one of the significant but less noticed initiatives of the Rajiv government in the name of economic reforms was the abolition of estate duty. The government claimed that it brought in little revenue. If, however, the government had taxed urban properties, then to a certain extent it could have contained the speculative boom in urban real estate deals. It should also be noted that there is hardly any wealth tax in India. For details, see Kartik Rai, 1992:27.

The Shah Bano and Ram temple controversies and the sati at Deorala unfolded in the background of such hitherto unknown predatory capitalist development. Hindu-Muslim clashes and anti-dalit riots once again became rampant. At the height of the Ram temple agitation in 1989, terrible riots broke out at Bhagalpur in Bihar in which 800 people, a majority of them Muslims, died (Engineer, 1990:305). Including the Bhagalpur carnage, 18 major communal riots took place in 1989 killing 1, 174 people (Puri, 1993:2146).

The recurrent riots and the inaction of the Congress governments totally estranged the Muslims from the Congress. The Rajiv government also had to face the wrath of the small peasants, share croppers, the rural poor, and the marginalized lower castes and classes who did not stand to gain anything from the liberalization program (Kohli, 1989:323). As tensions mounted and the legitimacy crisis of the state eroded, Rajiv Gandhi could not resist exploiting religion for political mobilization and for diverting popular attention from the lapses of his government. But his ploy of retaining popular support by acquiescing in narrow, sectarian demands did not pay off in the ninth general election held in November, 1989. Both the Hindus and the Muslims no longer trusted the Congress and shifted their allegiance to other parties.

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[53] Between 1985-89, India spent Rs. 290 billion (roughly about C$ 10 billion) on armaments. According to the US State Department Arms Control and Disarmament Agency, India became one of the top arms importing nations of the world. For details, see Gupta, 1995.

[54] According to Kartik Rai (1992) when Rajiv Gandhi became the Prime Minister, the fiscal deficit, as a proportion of the GDP, had increased enormously because of a host of reasons such as sluggish industrial growth, a decline in the share of public savings and ever increasing revenue deficits. The revenue deficits became acute for two reasons: the reluctance of the state to levy larger direct taxes and the growing expense on interest payments on huge external debts. The profligacy of the Rajiv government and his lopsided priorities that included liberalizing import of capital goods and components required for luxury items like electronics and automobiles also strained the economy. For a critique of Rajiv's economic policies, see Rai, 1992:15-21.

[55] In 1986, Rajiv Gandhi signed a US $ 1.25 billion contract for Howitzer guns with the Bofors company. Soon after, the media reported that Bofors had paid kickbacks to middlemen in the deal who were close to Rajiv. In 1996, Swedish documents revealed that Bofors had paid US $ 72 million as kickbacks. Rajiv Gandhi was widely believed to be the recipient of the illegal commission. His Defence Minister, V.P. Singh quit the cabinet and the party accusing the Congress of indulging in corruption. Singh's anti-corruption crusade hurt Rajiv immensely and resulted in his defeat in the 1989 polls.

SECULARISM UNDER THE NATIONAL FRONT-LEFT FRONT COMBINE 1990-91

Shortchanged by Rajiv's liberalization policies, the politicized intermediate agrarian and artisan castes came together under the rubric of the Janata Dal (Peoples Group, JD henceforth), a reincarnation of the Janata Party in which some Congressmen who had resigned from Rajiv's Congress were members, but not the Hindu nationalists. The JD and several regional parties such as the Telugu Desam in Andhra Pradesh and Congress (S) in Kerala, formed a broad coalition called the National Front (NF). The National Front entered into electoral adjustments with both the BJP and the Left Front (comprising the CPI, CPM, Forward Bloc and Revolutionary Socialist Party) to dethrone the Congress. V.P. Singh, a man of rare probity and a former minister for Defence and Finance in Rajiv's cabinet, quit the Congress and led the NF-LF to victory in the polls.

Out of 529 seats for which elections were held, the NF won 145 seats and got 17.7 percent of the votes (Butler, et al. 1995:100-101). Its electoral allies also did well. The BJP got 86 seats and 11.5 percent votes, the CPM got 33 seats and the CPI won in 12 ridings (ibid.). The Congress suffered a severe drubbing. It won barely 197 seats, a far cry from the 415 it held in the outgoing Lok Sabha, and secured 39.7 percent of the votes (ibid.). No party obtained an absolute majority. Though the JD component of the NF got 142 seats, the biggest winner, of course, was the BJP. From just two seats in the dissolved house, its strength jumped to 86. Clearly, its persistent Hindutva campaign for building the Ram temple and its tirade against the Shah Bano incident had paid off well.

On December 2, 1989, the NF formed the government with the support of the BJP and the Left Front. V.P. Singh, who became the Prime Minister, had a hard time managing the grotesque coalition whose members were pulling in different directions. As in the case of the Janata Party, all the parties supporting the NF did so because they wanted to derive the maximum mileage from being close to the corridors of power. In other words, no common ideology united the parties supporting the NF. On the contrary, they held diametrically opposite views on several important issues. Unfortunately, even the JD was not free from intra-party squabbles. Being inherently unstable, the NF government managed to survive in office for just 11 months.[56] During this short period, it took a couple of measures that restored the ebbing strength of secular forces.

From the very beginning, all political parties were in no doubt that the NF regime would not last its entire term in office. The fractured mandate had made political instability and another round of polls ineluctable. The BJP, which had reaped a windfall in the election, wanted to push ahead with its Hindutva agenda and the Ram temple agitation. It calculated that since the NF depended on its support, the latter could be coerced to provide more concessions to the Hindus. In particular, the BJP wanted the NF government to allow the VHP to build a new Ram temple at the exact spot where the Babri mosque stood.

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[56] For a critical account of the rise and fall of the Janata Dal and the NF government, see Fickett Jr., 1993.

Both the BJP and the VHP organized mass protests and processions throughout the country. They asked Hindus from all corners of the world to donate cash, bricks, and building materials for constructing the temple for Lord Ram. Out of reverence for their gods, lay Hindus supported the VHP's movement in unprecedented numbers. In every small and big town and city, Hindus took out mammoth processions with an idol of Lord Ram and collected huge sums of money for the temple. Hindus living abroad, particularly those in the United States and Canada, staunchly supported the VHP's movement and donated large amounts of cash and gold bricks. The VHP exploited peoples' religiosity and called upon able-bodied Hindu men and women to offer their time and energy also for building the Ram temple. Heeding its call, thousands of Hindus enlisted their services for the cause of 'Hindutva' and agreed to perform *'kar seva'* (volunteer work). The whole nation was in a religious ferment. The BJP and VHP had succeeded in whipping up a militant Hindu mood in the country that threatened to imperil communal harmony.

The V.P. Singh government was in an unenviable quandary. It could not deal with the BJP sternly for fear of losing its support. Besides, it was worried about creating martyrs out of Hindu activists by taking strict action against them. At the same time, religious minorities were pinning their hopes on the government to save them from the rising wave of Hindu truculence. What made the situation intractable was that for the first time, setting aside all their caste and class based internal differences, Hindus stood united behind the BJP and its allies.

To neutralize the Hindutva movement without adopting an overtly confrontational posture, Prime Minister V.P. Singh devised an astute strategy. On August 7, 1990, without taking his alliance partners into confidence, he announced the government's decision to implement the recommendations of the Mandal Commission[57] regarding affirmative action policies for the backward castes. Specifically, this decision meant that henceforth the government would reserve 27 percent of seats in government, education and legislatures for the OBCs as per the suggestion of the Mandal Commission. The Commission had calculated 27 percent for the OBCs keeping in mind that along with the existing 23 percent reservation for the scheduled castes and scheduled tribes, the total would be 50 percent, a figure that the Supreme Court of India had laid down as the outer limit for affirmative action.

The adoption of the Mandal recommendations greatly incensed the upper caste Hindu nationalists for two reasons. First, they were infuriated that reviving the dormant Mandal report had given a fresh lease of life to caste based divisions and frustrated their plans for pan Hindu unity. Second, they were worried that increased reservation would jeopardize their dominance in the government, bureaucracy, educational institutions and the like, and that other disadvantaged groups like the religious minorities and women might also demand reservations.

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[57] It might be recalled that in 1978 the Janata government had appointed the Mandal Commission to determine who, among the predominantly agrarian and artisan lower castes, were socio-economically disadvantaged and what steps must be undertaken for their betterment. The Mandal Commission had identified 3,743 castes comprising 52 percent of the population as belonging to the 'Other Backward Castes' (OBC henceforth). They were called 'Other Backward Castes' to distinguish them from the scheduled castes (dalits) and scheduled tribes (aborigines) who are also socio-economically backward. The Mandal Commission had recommended that 27 percent of positions in education, government and legislatures should be reserved for the OBCs. Though it submitted its report in 1980, neither Mrs. Gandhi nor Rajiv Gandhi's government cared to implement its recommendations. They ignored persistent demands from the OBCs for affirmative action policies. Ten years after the Mandal Commission submitted its report, the V.P. Singh administration decided to implement its recommendations.

Soon after the federal government announced its decision, upper caste students, covertly supported by the BJP and the Congress, launched a series of violent protests against it. They went on a rampage throughout the capital and in other cities, destroying public property and indulging in arson and looting. When the government refused to budge, more than 100 students immolated themselves in public places (Kumar, 1992:290). The suicides sparked nation-wide demonstrations. The Brahmin dominated mass media also supported the students, and, in some instances, openly incited them to resort to violence to ensure that the Mandal report was rejected (Chatterji, 1995:73). Alarmed by the upper caste backlash, the OBCs threatened to retaliate if the government rescinded its decision. Mercifully, the confrontation did not degenerate into a full fledged caste war. Tensions cooled off after some students challenged the government's order in the Supreme Court and got a temporary stay on its implementation.

The V. P. Singh government's resolve to implement the Mandal recommendations had far-reaching implications for the polity. Notwithstanding all the furore it created, admittedly, Mandal's report was no panacea[58] for the severe socio-economic handicaps that the OBCs have endured. Providing the OBCs the benefit of affirmative action policies was, at best, a token gesture and a belated recognition of their neglected concerns . It is also true that the NF government, particularly the JD faction, hurried the decision and tried to camouflage it in the rhetoric of 'social justice,' all with an eye on the OBC vote. In other words, V.P. Singh, undoubtedly, was interested in consolidating the 52 percent strong OBC constituency through a cosmetic gesture that obviated the need for radical reforms. Yet, his sagacious decision was nothing short of a courageous act because it came at a time when the Hindu nationalists had almost succeeded in polarizing the nation along religious lines. By invoking Mandal, Singh had conjured the most potent antidote to the majoritarian politics of the BJP. Once the Mandal issue was on the national agenda, the so-called 'Hindu' community split along caste lines. The OBCs were no longer as enthusiastic about Hindutva and the Ram temple movement. The acceptance of the Mandal report and the fury of the upper caste reaction had dramatically brought home to them the chimerical character of 'Hindu' unity that the BJP and VHP were harping on.

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[58] Though the Mandal report suggested 27 percent reservations, the fact was that there were not many jobs in the government to accommodate the OBCs. Even if the government created jobs, not many backward caste candidates will be in a position to avail the reserved positions because they lack basic education and the resources necessary for pursuing it. Affirmative action policies in education are applicable only in professional courses. Since there are not many qualified OBCs who meet the basic criteria for such courses, the seats eventually get dereserved and are allotted to students belonging to the upper castes. Likewise, in government appointments. For details of the limitations of the Mandal report and its merits, see Desai, 1991 and Kumar, 1992.

The Mandal issue put both the Congress and the BJP in an awkward situation. They could not openly oppose it as it had languished for ten years on the shelves of the bureaucracy and justice was long overdue. Besides, regardless of the lacunae of the Mandal report, excoriating it entailed the risk of alienating the OBCs whose electoral support was crucial. Thus, though furious over being upstaged by the NF government, the BJP outwardly restricted its criticism to the lack of widespread consultation and consensus about a major policy decision. But it knew all too well that it had to take urgent steps to restore Hindu unity and downplay the significance of the Mandal report. Once again, to make a dramatic statement about the supremacy of Hindutva, the BJP and the VHP decided to push ahead with their Ram temple campaign.

In September 1990, L.K. Advani, the President of the BJP, embarked on what the party called the 'Somnath Rath Yatra'[59] (lit. chariot procession from Somnath). In a Toyota van decked as a *rath* (chariot, used by Hindu kings of yore), he set off from the Somnath temple in Gujarat on a 45 day tour that would take him from the west to east and culminate in Ayodhya on October 30, 1990. The idea was to canvass support for building the temple through a cross-country tour and rally Hindus behind the cause. Advani had vowed to inaugurate the construction of the Hindu temple in Ayodhya on October 30th, regardless of what the judiciary and the government said.

The *rath yatra* created a new record in the history of agitational politics in India. The BJP had deliberately chosen the temple town of Somnath to kick off the procession because in it had rich associations in the Hindu mind about the resurgence of Hindu glory. In the '50s, Hindus, led by Congressman K.M. Munshi, had participated in the reconstruction of the dilapidated Somnath temple as Mughal emperors had vandalized it in the medieval period. Somnath, thus, was a concrete example of what Hindus could achieve if they unitedly fought for 'a cause.' As the procession wound through small and big towns, Advani would often emerge from his 'chariot' to launch a diatribe against the 'anti-Hindu policies' of the government and its 'devious methods' to destroy Hindu unity. He urged Hindus to brook no resistance from any quarter to the construction of the temple.

Advani's depiction of the victimization of Hindus appealed to his co-religionists all over the country. Years of hate-filled propaganda by the Hindu nationalists had convinced Hindus that the state was objecting to the construction of the temple only to 'appease' the Muslims. As such, they directed their ire against lay Muslims who had nothing to do with the controversy. In almost every town and city that the procession visited, bloody Hindu-Muslim riots broke out. More than 40 cities and towns were affected and hundreds of Muslims perished in the clashes (Hasan, 1997:256-257). Prime Minister V. P. Singh appealed to Advani to call off his procession and return to the negotiating table. But Advani rejected all offers of negotiations and pressed ahead with his itinerary. With each passing day, the scale of violence escalated. Left with little option, the Prime Minister directed his party colleague, Laloo Yadav, Chief Minister of Bihar, to arrest Advani and other prominent members of the VHP. Enraged that the government prevented it from capitalizing on the surge of Hindu emotions, the BJP withdrew its support from the NF government. V.P. Singh's ministry resigned on November 7, 1990, after losing a vote of confidence in the Parliament.

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[59] Hindu mythology is replete with stories of emperors and gods who rode on their chariots when they set out to conquer an enemy or when they fought a battle to establish righteousness. The BJP wanted to exploit the rich symbolism of the chariot which lay Hindus associate with a struggle for justice. For an interesting analysis of the iconography of the chariot procession and its political significance, see Davis, 1996.

The leaders of the NF had anticipated that their government would collapse if they arrested Advani. But, perhaps for the first time in the post Nehru period, the federal government exhibited firmness and took the right decision, regardless of the consequences. Similarly, on October 30, 1990, when the remaining members of Advani's entourage and several thousand VHP activists forcibly tried to enter the Babri mosque and demolish it, the Janata Dal Chief Minister of Utter Pradesh, Mulayam Singh Yadav, displayed rare courage and successfully foiled their destructive attempts.

Both instances stand out in the history of Indian politics. They prove that if the state is determined, it can make secularism work, in spite of the rampant communalization of the civil society and the law enforcement agencies. The NF government dealt resolutely with the Hindu nationalists because the latter were trying to cut the very ground from beneath their feet. Left to continue unhindered, Advani's campaign would have steamrollered the OBCs--the core supporters of the NF--and subsumed them within the Hindu rubric. As it was a crucial question of protecting their turf, the leaders of the NF acted with unwavering celerity. Unfortunately, they had to pay a heavy price. Before they could act on their promises to reform the agrarian sector, they were forced to demit office.

The tenth general election, held in May-June, 1991, once again resulted in a divided mandate. The biggest loser this time was the Janata Dal. From 142 seats in the dissolved house, its strength plummeted to 59 seats and its percentage of votes shrank from 17.8 to 11.8 (Butler, et. al., 1995:104-105). The Congress recovered some ground and succeeded in 232 seats. Its percentage of votes decreased marginally from 39.5 percent in 1989 to 36.5 percent (ibid.). The BJP improved its previous record by securing 120 seats and 20.1 percent votes. The results were significant in that they reflected the direction in which the political wind was blowing. In spite of implementing the Mandal recommendation, the Janata Dal's theme of 'social justice for all' did not succeed because the party did not have a strong grassroots organization and it could not match the financial resources of the Congress and the BJP (Fickett, Jr., 1993:1157-1158).

More specifically, three factors worked against the JD candidates. First, by espousing the Mandal report the party incurred the wrath of the middle intellectuals, the mass media, the corporate world, and the urban, industrial bourgeoisie. These groups united to discredit the JD and denied it financial support. In their bid to defeat the party, the upper castes and upper and middle classes determinedly supported both the Congress and the BJP, particularly the latter. Second, during the election campaign, just after the first phase of voting was over, Sri Lankan Tamil separatists assassinated Rajiv Gandhi. As in the case of his mother, the voters considered him a 'martyr' and out of sympathy for the Nehru family, voted for the

Congress. Third, though the OBCs comprise 52 percent of the population, a sizeable section of this community either did not appreciate the significance of the Mandal issue or were more strongly drawn towards the religious conflict concerning the Ram temple. Both factors were possibly at work because except for a handful of charismatic provincial Chief Ministers and party leaders, the Janata Dal did not have the wherewithal to disseminate the positive implications of the Mandal report. The Hindu nationalists, on the contrary, had a huge army of volunteers drawn from the RSS, VHP and the Bajrang Dal, an organization of lumpenized, militant, Hindu youth. Also, being a cadre-based, ideologically driven party, the BJP was more efficient in soliciting support for the Ram temple movement. After the Singh government implemented the Mandal recommendation, the BJP mounted a virulent campaign against it in the rural hinterlands of north India, much before anyone else could go these places to publicize its benefits. The net result, as an *India Today-MARG* poll revealed, was that about 25 percent of those who voted for the Janata Dal in 1989 shifted their support to the BJP (quoted in Fickett, Jr., 1993:1158). If anything, the defeat of the Janata Dal proved the limitations of having secular convictions in the absence of institutional mechanisms for their entrenchment in the civil society.

P.V.N. RAO'S REGIME: THE DARKEST PHASE OF INDIAN SECULARISM 1991-96

In July 1991, as the leader of the single largest party, P.V. Narasimha Rao formed the government and became the ninth Prime Minister. Widely perceived as a RSS mole in the Congress, he presided over one of the darkest phases of Indian secularism. To a certain extent, Rao was trammelled by the depressing socio-economic and political circumstances surrounding his rise to power. He did not enjoy a majority in the house and hence found it expedient to pursue a non-confrontational policy and win the support of as many small, regional parties as possible.

The greatest challenge that Rao had to tackle upon assuming office was averting the total collapse of the economy.[60] India's foreign exchange reserves had hit an all time low of US $ 1.1 billion, barely enough to cover the import bills for two weeks. Inflation was at an all time high of 17 percent. The budgetary deficit had burgeoned to unmanageable proportions. The nation was on the verge of defaulting on its debt repayments which amounted to 27 percent of the GDP. India's external debts had skyrocketed to over US $

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[60] For details of the severe economic crisis of 1991, see Uppal, 1993:36-38. I have drawn statistical details from his work. Aside from the usual factors that chronically affected the Indian economy and made it stagnant and sluggish, a host of socio-economic and political developments also exacerbated the situation in 1991. They included: political instability and total administrative paralysis during the NF regime, the doubling of oil prices within six weeks following the Gulf War in 1990-91, loss of international investor confidence in the Indian economy triggering off the flight of deposits to the tune of US$ 1.3 billion between October 1990 and April 1991, the forcible expulsion of Indian workers from the Gulf region and the drying up of their foreign exchange remittances, and, the mounting cost of security measures to contain insurgency in Kashmir and Punjab. For a succinct account of the magnitude of the economic crisis, see Currie, 1996 and Gupta, 1995.

80 billion forcing the government to negotiate a fresh loan from the IMF to meet its debt obligations. The situation was so precarious that the federal government also had to pledge 46 tonnes of gold with the Bank of England to maintain liquidity and the confidence of international creditors.

To overcome the balance of payments crisis,[61] the Rao government unveiled an ambitious economic reforms program whose highlights included less state intervention in the domestic economy, attracting foreign investments and integrating India into the global markets through liberalization policies. He also devalued the rupee by 18 percent as part of the IMF conditionality for a US $ 4.8 billion loan. I do not wish to detract from my main argument by dwelling on the failures of the economic reforms as I shall deal with them at a later stage. Suffice it to note that the so-called reforms did not ease the financial woes of the general public.[62] The most vulnerable sections came under unbearable pressures resulting in widespread civil unrest.

THE AYODHYA AGITATION AND THE DEMOLITION OF THE BABRI MOSQUE

Alongside the grim economic catastrophe, Rao also had to deal with the worsening communal atmosphere in the country. Having won an impressive mandate for the second time in two years on the strength of its Hindutva agenda, the BJP wanted to pursue it to its logical end. Activists of the BJP and the VHP once again revived their agitation for demolishing the Babri mosque and building a Ram temple on that site. The prevailing political uncertainties and the unabated decline of the Congress and the JD provided the BJP a propitious opportunity for asserting its strength. As the Ayodhya agitation aggravated, communal frictions boiled over resulting in a fresh bout of Hindu-Muslim clashes.

Sidestepping the more challenging task of confronting the BJP, Prime Minister Rao got the Places of Worship (Special Provisions) Bill, 1991, passed in the Parliament to prove that his government was doing something concrete about the communal flare-up. This statute froze the 'religious character of a place of worship' as of August 15, 1947, but exempted the Ram temple from its purview. It prohibited the conversion of any place of worship of any religious denomination into a place of worship of a different section of the same religious denomination or from one denomination to another. Obviously, the government was concerned that the VHP might insist on tearing down all the 3000 mosques it had identified nation-wide and wish to build temples on those sites. But as the statute exempted the Ram Janam Bhumi temple in Ayodhya, the BJP's agitation for its demolition continued.

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[61] For a broad, overarching review of the crisis of the Indian economy leading to the economic reforms, see Datta-Chaudhuri, 1990. Also see Choudhry, 1994.

[62] Several recent studies have proven that the economic liberalization policies of the Rao government hurt the lower classes and severely disrupted their lives. See, for instance, Chandiramani, 1995; Chossudovsky, 1997 (chapter 6); Currie, 1996; Datt, 1996; Dutt, 1997; and, Kothari, 1997.

The government ought to have known that a politically loaded issue like the Ayodhya agitation cannot be solved only through legal measures. Besides, more important than legislation is the implementation of the rule of law. But ever since political conflicts masquerading as religious controversies gained prominence, successive governments have exhibited an ostrich-like attitude. They deliberately ignore the urgent task of tackling the problem on a firm footing and addressing the core issues. Instead, they resort to superficial remedies that serve little purpose. For instance, in 1988, the Rajiv government enacted the Religious Institutions (Prevention of Misuse) Act. This Act prohibited the promotion of any political activity in and through a religious institution.

Obviously, it was an ill-thought, knee jerk response to the Bhindranwale strategy of using the Sikh temple to preach hatred against the state and as a sanctuary after committing terrorist attacks. If the Rajiv government's idea was to prevent the misuse of religious places, then its legislation was indeed sloppy because it defined 'political activity' in such vague terms--as 'any cause, issue or a question of political nature'--that it will be unable to pass judicial scrutiny, if challenged in a court of law (Baxi, 1994). More importantly, it did not solve either the Punjab 'problem' or put an end to the misuse of places of worship.

Nevertheless, the Rao government refused to learn from its previous mistakes. Apart from the Places of Worship (Special Provisions) Act, it did not devise any new, imaginative plans for defusing the Ayodhya crisis. Ever since the Hindu nationalists revived the dormant Ram temple agitation in 1984, both the Rajiv and Rao governments followed a common policy. Outwardly, they professed their concern for secularism and vowed to protect the historical Babri mosque. But stealthily, they also encouraged the BJP and the VHP to carry on their agitation. As for concrete action, from 1984 to 1992 when the VHP forcibly demolished the mosque, the federal government dithered endlessly, equivocated on critical matters, ignored several options for the amicable settlement of the problem and allowed the situation to fester. Truly, the government's inaction was nothing short of monumental.[63]

Throughout 1991-92, the Rao government held interminable parleys with the leaders of the VHP and BJP and those heading the All India Babri Mosque Action Committee. In doing so, Rao continued a questionable practice that Rajiv Gandhi first institutionalized, namely, treating the VHP and the RSS as the sole representatives of the entire Hindu community. Rao could have identified enlightened leaders of the Hindu community with a mass base and encouraged them to accept a reasonable settlement. Instead, he tried to negotiate exclusively with the Hindu hardliners of the VHP and the BJP who remained intransigent.

Meanwhile, a BJP government had come to power in Utter Pradesh (UP) in the 1991 provincial elections. One of its first initiatives was to acquire 2.77 acres of land adjacent to the Babri mosque and pull down the temples situated on that site on the pretext that it needed the land to provide amenities to the pilgrims visiting Ayodhya (Godbole, 1996:344). Aggrieved Muslims filed three writ petitions in the Allahabad High Court challenging the acquisition of the land. The High Court ordered that no construction activity should take place pending the disposal of the petitions. In July 1992, with the active support of the provincial BJP government, activists of the VHP and the BJP began the construction of a concrete platform on the disputed land next to the mosque. The UP government did nothing to prevent the violation of the judicial decree and denied that it had any knowledge of illegal activity on the property under litigation.[64]

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[63] Madhav Godbole was the Secretary to the Ministry of Home Affairs during the crucial years of the Ayodhya dispute. As the senior most bureaucrat in the Home ministry, he was responsible for dealing with the crisis as it unfolded. In his memoirs, Godbole has explained at length how Prime Minister Rao and the Home Minister S.B. Chavan deliberately refused to take firm and urgent steps to resolve the Ayodhya imbroglio. For details, see Godbole, 1996, chapter 11.

The opposition parties (except the BJP) were upset by the infraction of the court orders and the acquiescence of both the federal and provincial governments. In the Parliament, they urged the federal government to dismiss the provincial BJP government in UP and prevent the VHP activists from carrying on their construction on the disputed area. The Rao government was well within its rights to invoke Article 356 to impose President's Rule in UP, but, on purpose, it refused to take this intrepid step. Instead, it indulged in needless legal hair splitting to avoid taking an unpopular decision.[65]

Emboldened by the government's apathy, the VHP, BJP and an assortment of Hindu 'holy men' began elaborate preparations for a final assault on the Babri mosque. They continued to mount pressure on both the government and the Muslim leaders to yield to their demands and voluntarily relinquish all claims on the mosque. The Hindu nationalists set a deadline of December 6, 1992, for handing over the mosque, failing which, they threatened to demolish it themselves. Their rationale was that the mosque stood at the exact spot where Lord Rama was born aeons ago and that it was built by Moghul invaders after razing a Ram temple that stood at that site.

The Ayodhya agitation elicited a strong and favourable response[66] from the Hindus largely because the BJP projected it variously as a question of 'Hindu self-respect,' as an 'assertion of Hindu manhood' and so on. A related factor was that the VHP widely used audio-visual channels to disseminate its message. It circulated cassettes containing hateful speeches against the Muslims and showed videos about the 'encroachment' of the Ram temple by the Babri mosque. The discourse of the Hindu nationalists successfully deflected urgent socio-economic problems and focussed solely on the construction of the temple, maintaining that the former have arisen only because Hindus lack unity and strength. The print medium, both in English and the vernacular languages, also contributed to the Hindu siege mentality by publishing tendentious, inflammatory reports and articles.[67] The state owned monopoly TV continued to telecast Hindu epics, mythological serials, and historical plays that valorized Hindu culture and Brahmanical, patriarchal values.[68]

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[64] Outraged by the illegal construction and the UP government's complicity, some Muslims filed a contempt petition against the Union of India, state of UP and others in 1992. In its partial disposal of that petition in 1994, the Supreme Court held Chief Minister Kalyan Singh guilty of contempt of court. It sentenced him to one day's imprisonment and imposed a fine of Rs. 2000. For the text of the judgement, see *Secular Democracy*, January 1995, pp. 31-34.

[65] The report of the Citizens' Commission on Ayodhya refutes the Rao government's contention that it lacked the Constitutional powers to adequately deal with the disturbances in Ayodhya. It points out that under Article 355, the federal government had a statutory duty to intervene. For details, see Chenoy, 1994:5. Also see, *Citizens' Tribunal on Ayodhya*: Report of the Inquiry Commission, 1993:136-144. (chapter 9)

[66] For an interesting critique of the multiplicity of meanings encoded in the Ram temple movement and strategies of the VHP for propagating them, see Pradip K. Datta, 1991. Also, see Pandey's (1995) analysis of the unique appeal of 'Hindu history.'

As tensions were steadily building up, the Rao government displayed what the popular press described as 'masterly inactivity.' Apart from token negotiations that led nowhere and futile appeals to the Hindu nationalists to postpone their December 6 deadline, it did not do much to ease the communal strains. Between 1990-92, it organized four meetings of the National Integration Council (NIC)--an ornamental body with no powers, comprising the Chief Ministers of all provinces, members of the federal cabinet and some journalists, writers and social activists--to settle the Ram temple dispute. At a meeting held on November 2, 1991, the BJP Chief Minister of Utter Pradesh, Kalyan Singh, assured the NIC that pending the final resolution of the Ayodhya controversy in the courts, his government would protect the disputed structure and implement judicial decrees in a disinterested manner (Godbole, 1996:355-356).

Unfortunately, however, the ground realities were different. VHP and RSS militants were openly preparing to tear down the mosque on December 6. They held regular sessions to train their *kar sevaks* (volunteers) and rehearsed the minute details of their destructive operation (*Citizens' Tribunal on Ayodhya*, 1993:61-62). Anticipating resistance and retaliation from local Muslims, the *kar sevaks* identified, well in advance, areas of Muslim concentration, their local mosques, businesses and houses in mixed localities and decided to attack them soon after the demolition (ibid., p:60). Not wanting to leave anything to chance, the VHP also gave a call to Hindus all over the country to congregate in Ayodhya and participate in the demolition. All these activities were common knowledge in Ayodhya and elsewhere. If further proof was needed, inputs from intelligence agencies,[69] opposition parties and even Congressmen from UP, all indicated that with the active support of the BJP government, the agitators will, indeed, raze the mosque. More disturbing was the report that the provincial law enforcement agencies were openly sympathetic to the Hindu nationalists and would be loath to take action against them (Godbole, 1996:361).

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[67] Gupta and Sharma (1996) provide a critical discourse/content analysis of the pro-Hindu bias of Indian newspapers and magazines.

[68] In 1992, the Doordarshan beamed a serial titled '*Chanakya*' based on the historical figure Chanakya, a Brahmin minister of the Gupta period, who is said to have united a fragmented nation. Though the appeal of this serial was restricted to the upper caste elite, it was, as Uma Chakravarti states, 'part of a larger process in which a Brahmanic Hindu view of history and culture was consolidated along with a rightward shift in politics.' For an excellent deconstruction of the serial and its political and cultural implications, see Chakravarti, 1998.

[69] The Citizens' Tribunal on Ayodhya mentions that on December 1, 1992, the police and intelligence agencies informed the local bureaucracy that Hindu activists were planning to demolish the mosque defying court orders and would start the construction of the temple thereafter. The police also suggested that special security arrangements were required to tackle the situation effectively. The federal and provincial governments ignored

Worried about the deteriorating communal atmosphere, secular bodies, leaders of the minorities and several leading Congressmen repeatedly urged Prime Minister Rao to dismiss the UP government and foil the attempts of the Hindu agitators to destroy the mosque. Leading intellectuals, jurists, scholars, writers, and scientists also appealed to the government to declare the Babri mosque as a 'national monument' and take possession of it. The government consistently spurned all suggestions and continued to evade purposeful action.

In the days leading to the December 6 deadline, Hindus from all over the country converged at Ayodhya. According to official estimates, about 17,500 people gathered at the site of the Babri mosque on November 25. By December 5, the number rose to 200,000. A majority of them were armed with knives, daggers and tridents in defiance of an obviously nominal police order banning the carrying of weapons. Many also carried shovels, pickaxes, crowbars, iron rods and hammers. Neither the federal nor the provincial governments prevented them from assembling at the disputed site. Instead of steadfastly tackling the law-and-order situation in Ayodhya, the federal government seemed more interested in taking refuge behind judicial pronouncements.

Between November 23 to December 5, the Supreme Court held hearings on the various suits concerning the Ayodhya dispute. Upon being told about the potential communal flare-up in UP and elsewhere, the Court directed the government to take all possible steps to neutralize the crisis. Also, since law and order falls within the provincial jurisdiction, it adjured the provincial BJP government to guarantee that the RSS and VHP activists did not do anything illegal on the property under litigation. The UP government gave a solemn, written undertaking to the Supreme Court stating that it will protect the mosque and ensure that no untoward incidents take place in Ayodhya. Surprisingly, both the Supreme Court and the federal government took the legal pledge of the UP government at its face value and became complacent. The Court rejected the federal government's plea to appoint it as the Receiver of the disputed site so that it could take possession of it and protect it. Instead, it named observers to supervise the compliance of its orders.

Notwithstanding all that was promised and believed, by the first week of December 1992 , the situation in Ayodhya had reached unmanageable proportions. Short of military intervention or some sort of commando action, both of which were fraught with the risk of a bloodbath, there was no way any government or law enforcement agency could clear the nearly quarter million Hindu activists from the vicinity of the Babri mosque. By then, Hindus all over the country seemed to have made up their mind to 'vindicate their honour' and 'teach

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its suggestions. For details, see Chenoy, 1994:4. For a detailed, investigative account on the circumstances leading to the demolition of the mosque, see *Citizens' Tribunal on Ayodhya*: Report of the Inquiry Commission, 1993.

the Muslims a lesson.' The federal government had stationed several platoons of paramilitary forces but they could not be deployed without a written request from the provincial government. Kalyan Singh, the BJP Chief Minister, knew that asking for additional paramilitary reinforcements would amount to a tacit admission of the breakdown of law and order and might provoke the dismissal of his government. Hence, he stoutly resisted any intervention from the federal government. More to the point, the BJP wished to capitalize on the Ram temple agitation, knowing fully well that even the adverse consequences after the demolition would only redound to its benefit and confer on it the halo of martyrdom.

The final upshot was that on Sunday, December 6, 1992, about a quarter million Hindu activists, encouraged by the top brass of the VHP, BJP and RSS, reduced to rubble the nearly 500 year old Babri mosque. The destruction started at 11 a.m. and was over by 2 p.m. According to different media reports, the provincial law enforcement agencies either looked on as the vandals carried out their mission with impunity or enthusiastically helped them. The VHP barred journalists from covering the event. Hindu militants thrashed press photographers, TV camera men[70] and reporters from the English press when they tried to record the demolition. Soon after, they went on a rampage burning, looting and destroying properties belonging to the Muslim community. The CNN reported that while the Hindu militants were at work in Ayodhya and the whole nation was on tenterhooks, Prime Minister Rao was sound asleep, enjoying his afternoon siesta (Van Der Veer, 1996:258). Though the federal government got to know about the destruction around noon, the cabinet meeting was held only at 6 p.m. Rao vacillated for several hours before agreeing to dismiss the UP government at 9 pm. As I have discussed in chapter 4, the delay in imposing the President's Rule provided the BJP an ideal opportunity to construct an illegal, makeshift temple at the site where the mosque stood and re-install the idols of Lord Ram.

In any case, as Godbole, the Secretary to the Ministry of Home Affairs at that time, states, in the communal disturbances that followed the demolition, 2,026 people lost their lives and 6,957 were maimed (1996:412). The federal government dismissed the BJP ruled governments in Madhya Pradesh, Himachal Pradesh and Rajasthan and imposed President's Rule. On December 10, it banned the VHP, RSS, Bajrang Dal, Jamaat-e-Islami Hind and the Islamic Sevak Sangh. In December, 1992 and January 1993, the government arrested about 10,000 people, sealed 1023 premises and froze 196 accounts of the outlawed organizations (ibid., p. 394). These measures were too little, too late.

THE POST-DEMOLITION SCENARIO

The destruction of the Babri mosque almost completely shattered the credibility of the

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[70] As the Ram temple agitation reached its final stages, representatives of the world media came to Ayodhya to report the events. The top brass of the VHP were miffed with the BBC, CNN and other western news agencies for their alleged 'misreporting' and openly threatened them with physical punishment. On December 6, about 30 VHP militants attacked a German TV crew, injured the camera man and destroyed his equipment. For details, see, *Citizens' Tribunal on Ayodhya*, 1993:64-65.

Congress. Prime Minister Rao blamed the BJP and VHP for their 'treachery' and harped on the fact that no less a person than the Chief Minister of UP had given written assurances to the NIC and the Supreme Court that he would protect the disputed monument and the lives of the minorities. As we saw earlier, technically, Rao was correct. But, it bears repetition that even lay observers knew that the BJP was determined to use all possible means to accomplish its avowed objective. In fact, during the 1991 provincial elections in UP, it had unmistakably stated in its manifesto that if elected to office, it would spare no effort to demolish the mosque and build the temple. On umpteen occasions, leaders of the BJP and VHP had dared the government to prevent them from destroying the mosque. They also never tired of repeating that they do not recognize the authority of courts in what they claimed was a matter of 'Hindu faith.' Obviously, therefore, their assurances to the judiciary were meant to buy time.[71] To prove their contempt for the rule of law, they blatantly flouted court orders in July 1992. Ironically, however, the federal government continued to believe that the BJP would abide by rules and honour its legal commitments.

Furthermore, during the final phases of the agitation, UP Chief Minister Kalyan Singh repeatedly clarified that he would not order his security forces to open fire on the *kar sevaks* or detain them. Besides, by November 26, the federal government had intelligence reports that this time Hindu militants will not spare the mosque, a fact that it did not disclose even to the Supreme Court. In spite of such compelling evidence, Prime Minister Rao did not dismiss the BJP government in UP and avert the tragedy. All of which inevitably suggests that the Congress was tacitly in favour of the demolition.

If the Congress was genuinely misled, as it claimed, then it could have made amends for it by acting expeditiously in the post-demolition phase. But its conduct was no less egregious than before. Prime Minister Rao promised that he would rebuild the mosque. Nothing has happened till now. The federal government did not show much enthusiasm in prosecuting either the BJP/VHP leaders or the vandals and rioters. After detaining them for a some time, it released them on bail. The cases are still dragging on in the courts.[72] If it feared that strict action would transform the Hindu leaders into martyrs, then it could have at least prosecuted the less prominent militants to send a message that such acts would not be tolerated.

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[71] After the destruction, former Chief Minister Kalyan Singh stated that he considered the demolition a 'higher duty' than honouring the assurances given to the Supreme Court. He also openly bragged that the legal pledges were 'Chanakya tactics' (strategic moves) to fulfill his objective. For details, see *Citizens' Commission on Ayodhya*, 1993:80. Displeased by the disrespectful attitude of the BJP government in UP and its officials, the Supreme Court issued a suo motto contempt notice on December 7, 1992, on Chief Minister Kalyan Singh, the District Magistrate of Faizabad and other officials who had filed affidavits before the Court. The cases have not yet been decided.

[72] The Central Bureau of Investigation (CBI) --the apex investigative body in India -- began probing the violent incidents related to the demolition on December 13, 1992. On October 5, 1993, it filed charges against 40 people before the Special Magistrate in Lucknow. In January 1996, it laid supplementary charges on 11 more people. The charges pertained to criminal conspiracy and intentional destruction and defilement of a place of worship, criminal trespass, intimidation of public servants and so on. In August 1994, the cases were committed to the Sessions Court. Before the Sessions Judge could frame the charges and begin the trial, he was transferred in December 1995. Earlier, two judges hearing the cases were summarily transferred. According to media reports, judges are reluctant to hear the cases as they have been threatened and intimidated. Even officers of the CBI are

In the wake of the demolition, the government also appointed a judicial commission of inquiry headed by Justice Liberhans in December 1992. It could not commence its work for nearly a year apparently because of 'logistical problems.' It examined 53 witnesses and served notices on 41 persons and five organizations to appear before the Commission (*Mainstream*, July 13, 1996:18). Some top police officials and bureaucrats who were served notices, filed a petition against the Commission in the Delhi High Court and obtained a stay against its proceedings in August 1995 (ibid.). Pending the vacation of the stay order, the Commission has no option other than suspending its inquiry. The federal government has not shown any interest in getting the stay vacated and catalyzing the completion of the inquiry.

The most serious lapse of the Rao government pertained to its callous treatment of the minorities affected by the violence. It did not chalk out imaginative schemes to compensate for and rebuild their shattered lives. Worse, when riots erupted in cities like Surat[73] and Bombay[74] in January 1993, once again Prime Minister Rao did not come to their rescue. As we saw in chapter 4, the Shiv Sena openly goaded its cadres to inflict violence on Muslims in Bombay.[75] Yet, the Congress Chief Minister of Maharashtra deliberately did

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not enthusiastic about pursuing the prosecutions partly out of fear of reprisals and partly because many of them are sympathetic to the BJP/VHP. Since December 1995, no new judge has been appointed and the cases continue to languish. The UP Police registered over 60 First Information Reports (FIRs) regarding violent incidents in Ayodhya. There has been no progress in these cases either. For details of the tardy prosecution of the guilty in the demolition case, see *Mainstream*, July 13, 1996:17-20. For a more recent report on the painful progress of the case, see *India Today*, May 25, 1998:32-33.

[73] Surat, a major commercial centre of Gujarat, was the scene of terrible riots in December 1992-January 1993. Aside from violence, arson and looting, Hindu militants perpetrated the most heinous crimes against Muslim women. In an operation reminiscent of the Nazis, Hindu militants raped 13 Muslim women under floodlights and the rapes were recorded on video. Currently, they are being sold as pornography. For details, see Mazumdar, 1995:2 and Shah, 1993:50-58. For an overarching analysis of the rise of communalism in Surat and why Hindu militants committed atrocities, see Chandra, 1993.

[74] For about three weeks in January 1993, fierce anti-Muslim riots raged in Bombay. During this period, cadres of the Shiv Sena carried out well-planned attacks on innocent Muslims after they protested the demolition of the Babri mosque in Ayodhya. According to official figures, 557 people, an overwhelming majority of them Muslims, died in the riots. The unofficial death toll is well over 1000. Following indiscriminate attacks on their lives and properties, 125,000 Muslims fled Bombay. Properties worth nearly Can $ two billion were destroyed. For details of the riots, see Sainath, 1994:191-199. Masselos (1994:79-95) provides a critical analysis of the underlying socio-economic factors that triggered the riots.

[75] The Government of Maharashtra recently released the report of the Justice Srikrishna Commission of Inquiry that probed the Bombay riots of 1993. The report has indicted the Shiv Sena and conclusively proved its total involvement in the riots. For a journalistic report on the Commission's findings, see *India Today*, 17 August,

not act expeditiously to prevent the riots. He also did not arrest Bal Thackeray, the Chief of the Shiv Sena, for creating discord between Hindus and Muslims through his provocative speeches and editorials. Large sections of the constabulary belonging to the Bombay Police were openly hostile to the Muslim victims and refused to provide them timely succour. Their prejudiced behaviour resulted in conditions of anarchy and lawlessness the like of which Bombay had never witnessed before.

Repeatedly, Chief Minister Sudhakar Naik stalled popular demands to involve the army in containing the riots. Only when matters went completely out of hand, the Chief Minister reluctantly requested the intervention of the army (Engineer, 1998:2215; *India Today*, 17 August, 1998:24). Without a doubt, the riots in Maharashtra were as gruesome as those in UP, MP, and other BJP ruled provinces. The abdication of responsibility by the provincial government was also equally deplorable. If the BJP ruled states suffered a complete constitutional breakdown and did not honour secularism--reasons for which the Rao government dismissed them--then the situation in the Congress ruled provinces was no better. But Prime Minister Rao dismissed only the BJP governments and spared those run by his party men in Maharashtra and Gujarat. By acting in a partisan manner, he bolstered the BJP's argument that the secularism of the Congress is 'pseudo-secularism.'

Prime Minister's Rao's ideological predilections once again became apparent when both the federal government and the BJP published their 'White Papers' on the Ayodhya controversy.[76] The narrative of the events leading to and during the demolition is almost identical in both the documents. This similarity indicates that the Congress government subscribed to the selfsame Hindutva version of history that the BJP/VHP propound. The only departure concerns the responsibility for the destruction of the mosque. The BJP blamed the tardiness of the courts and the Congress for ignoring Hindu sentiments and 'appeasing' Muslim interests. The Congress, in turn, accused the BJP of taking the law in its own hands and fomenting violence. Contrary to the denunciation of the illiberal politics of the BJP that one would expect from a supposedly 'secular' party like the Congress, all that the federal White Paper seemed to convey was that the VHP/BJP were too hasty in fulfilling their objectives.

LEGAL MEASURES TO MINIMIZE THE ROLE OF RELIGION IN POLITICS

If the White Paper only widened the communal chasm, the other initiatives of the Rao

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1998:20-24. Also see, Engineer, 1998:2215-2216.

[76] Srivastava provides a comparative analysis of the White Papers of the federal government and the BJP. He argues that both documents abuse history to rationalize their actions. Also, the government's White Paper reiterates the BJP position on several crucial historical issues and thereby reaffirms the genuineness of the Hindu claims regarding the Ram temple. By positing a majoritarian interpretation of historical evidence, the state proved that it was not a disinterested arbiter of facts, but had vested interests in supporting the Hindutva logic. For details of the historical inaccuracies in both White Papers and the Hindu bias of the Congress, see Srivastava, 1994:39-51.

government did no better. I have analyzed already in chapter 4, the ramifications of the Ayodhya Act and the Presidential reference. Unfazed by the failure of its quickfix panaceas, the Rao government unveiled two new legal measures purportedly to prevent the misuse of religion in politics. First, it introduced the Constitution (80th) Amendment Bill in the Parliament. In the 'Statement of Objects and Reasons' appended to the Bill, the government claimed that the statute was necessary to combat communalism and eradicate the threats to 'the secular and democratic ideals on which our society is based.' The main provisions of the 80th Amendment Bill involved the following:

a. Adding a new provision viz., that the state shall 'not profess, practice or propagate any religion' in addition to existing provision that the state shall 'have equal respect for all religions.'

b. Conferring on Parliament the power to ban any association or body of individuals if it promotes or attempts to promote disharmony or feelings of enmity, hatred or ill-will between different classes of citizens of India on grounds of religion, race, place of birth, residence, language, caste or community.

c. Making the use of religion and religious symbols for getting elected to the Parliament or provincial legislatures or for promoting feelings of enmity, hatred or ill-will between different classes of citizens on the basis of religion, race, caste and so on, grounds for disqualification.

The second measure was also aimed at curbing the 'menace of communalism.' The Representation of the People (Amendment) Bill, 1993 was meant to amend the existing Representation of People Act, 1951 (R. P. Act henceforth). Specifically, it proposed to amend section 29A of the R. P. Act which deals with the registration of political parties. The new amendment sought to provide that the Election Commission would not register as a political party an association or body that bears a religious name, since such a religious name would amount to an appeal to vote on the ground of religion during elections and would be 'detrimental to the cause of secular democracy.' The new statute also laid down that only the Supreme Court could entertain an appeal against the decision of the Election Commission.

The R.P. (Amendment) Bill also envisaged a new section, 29B, in the Act which provided that one could complain for the cancellation of the registration of a political party bearing a religious name or one whose rules and regulations and/or activities do no conform to sub-section (5) of section 29A. This sub-section requires as a pre-condition for the registration of a political party that it should bear true faith and allegiance to the Constitution of India as by law established, and to the principles of socialism, secularism, and democracy, and should uphold the sovereignty, unity and integrity of India. A complaint under the new section 29B could be made before the High Court within whose jurisdiction the main office of the political party is situated.

As one can imagine, the two bills elicited strong opposition from the parties of the

Hindu right such as the BJP and the Shiv Sena. Some other opposition parties also expressed their dissatisfaction about the amendments. In view of the controversies they generated, the Parliament referred the Constitution (Eightieth) Amendment Bill, 1993 and the R.P. (Amendment) Bill, 1993, to a joint committee of the House comprising members from all major parties, for reviewing the contemplated changes.

The Hindi version of the Bills translated 'religion' as '*dharma*' which is not the exact translation.[77] Since the word 'dharma' also means 'culture,' the BJP took serious objection to the what it saw as attempts to banish 'culture' and 'morality' from the realm of public life. In their dissent note in the *Report of the Joint Committee*, BJP M.P.s described the two Bills as 'anti-religion' and alleged that they would promote 'cultural rootlessness' (*Report of the Joint Committee*, 1993: xii-xx). Thus, to oppose the bills, the BJP exploited the untranslatability of 'religion' and deliberately conflated the meanings of 'religion' and 'culture' (Baxi, 1993:2052). It argued that Hindutva/Hinduism were cultures and ways of life and cannot be compressed within the rubric of religion. According to the Hindu nationalists, the real intent of the bills was to 'delink BJP from elections' *(sic)* (ibid., p. xii). Aside from the problem of defining 'religion,' the bills also had several legal and operational infirmities. As they engendered a volley of protests, the Rao government deferred their passage and that was the end of the matter.

Though the bills never became laws, the political damage they caused was significant. Before I explain their consequences, it is necessary to emphasize that they were conceptually flawed, ambiguously drafted and almost impossible to implement. We saw earlier in chapter one that the Indian state cannot extricate itself from religious affairs in view of the unique, acephalous nature of Hinduism. Besides, religion provides useful symbolic and material resources to political parties that they would be reluctant to let go. Therefore, to conceive of an amendment that the state shall not 'profess, practice or propagate any religion' is no more than wishful thinking. A more realistic option would have been to strengthen the substantive aspects of the extant 'equal respect for all religions' law.

Similarly, the requirement of a declaration of allegiance to 'socialism, secularism and democracy' makes little sense in practical terms, particularly if the state does not impose sanctions on parties that offend these principles. As registered political parties, both the BJP and the Shiv Sena have affirmed in writing that they believe in secularism, but their whole politics revolves around an anti-secularist agenda. What punitive consequences have these parties suffered for violating the law? What, then, is the sanctity of the legal declaration? More fundamentally, is a vague declaration of faith in broad concepts like socialism, secularism and so on legally enforceable? Is there a consensus on what terms like 'secularism,'

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[77] There is exact equivalent for 'religion' in most Indian languages and it is often translated inaccurately in popular usage as '*dharma*.' Dharma is a Sanskrit term with varied connotations and is definitely more all-encompassing than 'religion.' Etymologically, it means that which holds, sustains, nourishes, inheres, governs, vivifies and so on. Apte's The Practical Sanskrit-English Dictionary lists 22 different meanings for 'dharma' alone and several more for words formed in conjunction with 'dharma.' For details, see Apte, 1992:522-23.

'socialism' and 'democracy' stand for? Hence, can such a declaration withstand the test of judicial scrutiny? Also, can one not argue that by pursuing privatization and liberalization, the Rao government has transgressed the law and as such forfeited the right to remain in office? The futility of passing such ornamental laws makes one wonder whether the federal government was really concerned about promoting secularism. Even those who vouch for its bonafide intentions will have to agree that it gave little thought to core issues as it seemed to operate on the premise that noble laws was all that was needed to combat communalism.

The easiest and most efficient option before the Rao government was to prosecute under the existing laws individuals who invoked religion to further their political goals. Prime Minister Rao could have directed the speedy trial of those involved in the demolition of the Babri mosque. Such a move would have sent a message that the state will not tolerate any attempt to disrupt communal harmony.

It is hard to believe that the Rao government could not have conceived of such a clear cut, straightforward option. Few would be willing to argue that a seasoned politician like Prime Minister Rao could not have envisaged the Sisyphean aspects of containing communalism through legislative measures alone. And yet, as we have seen, that was all that the government did. It is important to recognize that the greater lapse of the Congress was not that it did not implement the existing laws but that through its clumsy legislations, it provided the BJP yet another opportunity to project itself as the defender of Hindu religion and culture. The Hindu nationalists exploited the inept initiatives of the Congress government to further discredit secularism and reiterate the centrality of religion/culture in politics.

All told, Prime Minister Narasimha Rao's tenure witnessed the most precipitous delegtimization of secularism. The demolition of the Babri mosque and subsequent passivity of the government profoundly disenchanted the religious minorities about the future of secularism. Being weak and powerless, they were forced to reconcile themselves to their inferior status. The bungling of the Ayodhya crisis, however, was by no means the only lapse of the Rao administration. Throughout his five year term, the forces of predatory capitalism marched triumphantly masquerading as economic reforms and liberalization. They not only impoverished millions living on the periphery but also triggered an unprecedented wave of corruption, defalcation, and embezzlement in public life.[78] The Rao government thus acquired the dubious distinction of being the most corrupt and communal. Both factors rendered all talk of secularism meaningless.

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[78] During Prime Minister Rao's tenure several major financial scams and acts of corruption came to light. In 1992, the banking industry and the stock markets reported a huge scam that cost the exchequer almost US $ 1.3 billion. Rao allegedly accepted hush money --apparently to fund the Congress -- from the main accused in the stock market scandal. In 1994, the sugar scandal erupted and cost the government over US $ 700 million. The Ministry of Food and Civil Supplies deliberately delayed by six months the import of sugar in the face of obvious shortages. The government was later forced to buy sugar at higher prices in the international market resulting in huge losses. In 1995, the Rao government launched cases against 60 top politicians, many of them belonging to the Congress, on charges of money laundering and bribery. Significantly, the court dismissed almost all cases for want of sufficient evidence. In September 1996, the CBI charged Mr. Sukh Ram, the Minister for Telecommunications in Rao's cabinet on several counts of bribery and favouritism in the allotment of cellular phone networks. Earlier, in a raid on his residence, it uncovered huge sums of unaccounted cash and valuables.

THE SECULAR COMMITMENT OF THE UNITED FRONT GOVERNMENT 1996-97

The Congress met with its nemesis in the Eleventh General Election held in April-May 1996. Under the leadership of Prime Minister Rao, it registered its worst performance ever, winning barely 140 seats out of 543. The party's share of votes plummeted from 36.5 percent in 1991 to 28.8 percent in 1996. As in the previous elections, the BJP and an assortment of regional parties gained at the expense of the Congress, although no single party gained an absolute majority. The BJP's strength in the Lok Sabha increased from 120 in 1991 to 161 in the recently concluded polls. Its percentage of votes, however, remained more or less stable at 20.3 percent. The members of the erstwhile National Front-Left Front combination, who contested the elections independently, also did well, winning around 120 seats, with the JD emerging as the biggest faction comprising 46 M.P.s.

As the single largest party, the BJP got the first chance to form a government. Though lacking adequate parliamentary support, Atal Bihari Vajpayee, a veteran of the party, assumed the reins of the government. The BJP had reckoned that once it formed the government, it would be able to wean some independent M.P.s and gain the support of small, regional parties. Surprisingly, not a single party or M.P. offered to support the BJP as a result of which it was forced to resign after just 13 days in office.

Across the political spectrum, the opponents of the BJP apparently claimed that they did not wish to associate with it as it was a 'communal' party wedded to anti-secular policies. This explanation by parties that were themselves tainted by communalism seemed baffling. Their sudden solicitude for secularism, however, had more mundane compulsions. The BJP contested the 1996 polls on the basis of a staunch Hindutva agenda. In its manifesto, it had promised that if voted to power, it would disband the Minorities Commission, criminalize 'fraudulent conversions' and inquire into the activities of Christian missionaries and organizations that received foreign funds (*Bharatiya Janata Party*, 1996:64-65).

The non-BJP parties feared that after assuming office both the BJP and its ideological progenitor, the RSS, would spare no efforts to institutionalize Hindutva and assimilate the minorities within the Hindu fold. Unlike the BJP and its allies, all the others depended on the religious minorities to varying degrees for political support. Regional parties like the Telugu Desam in Andhra Pradesh, the DMK in Tamil Nadu and the Asom Ganasangram Parishad (AGP) in Assam did not wish to alienate the minorities who formed considerable percentage of the electorate. The threat of being stigmatized by association prevented them from openly collaborating with the BJP. As is well-known, except for the BJP, the other political parties are not ideologically driven by a zeal to establish a Hindu nation. Hence they wished to dissociate themselves from the extreme postures of the Hindu nationalists.

There was another crucial reason why the secular identity of India acquired salience.

In 1990s, little difference existed among the mainstream political parties, including the communists, about the economic agenda of the nation. For a variety of reasons, all them had arrived at the conclusion that there was no alternative to economic reforms whose main highlights were liberalization, privatization and globalization, although their emphasis varies to a significant extent (Mehta, 1997:62). This more or less common administrative and fiscal strategy has made them virtually indistinguishable. In any event, aligning themselves along the lines of identity seemed to the competing elites to be the only viable option in the race for leadership (Jenkins, 1996:512).

After the fall of the BJP government, the erstwhile NF-LF combine formed a coalition with some regional parties and formed the United Front (UF). With the external support of the Congress and some independent M.P.s, the UF--comprising 15 parties--formed the government under the leadership of Deve Gowda, a prominent member of the JD. Chastened by their past experiences, the coalition partners of the UF drew up a 'common, minimum programme' which was a blueprint for policy initiatives and governance. This document did not contain any imaginative policies for invigorating secularism. The UF promised to defend secularism and refer all cases pertaining to the Ayodhya controversy to the Supreme Court. It also included bromides like 'stringent action' against religious fundamentalists and those who disturb communal harmony. But, during its 16 month tenure, the UF did not make good on any of its promises. It did nothing to either expedite the trials of the vandals of the Babri mosque or the inquiry of the Liberhans Commission. The minorities were sorely disappointed because, contrary to its tall claims, the Gowda government did not conceive or implement a single socio-economic programme for their amelioration.

Furthermore, though secularism was the *raison d'etre* of the UF, it continued the policies of predatory commercialization institutionalized by previous regimes which vitiated sectarian harmony. Its main policies included aggressively pursuing foreign direct investment by allowing foreign investors to raise their equity holdings to 51 percent, commercialization of the agrarian sector to favour the upper and middle class peasants, and providing tax breaks to the corporate sector. Bowing to the compulsions of coalition politics, the UF tried to appease the powerful segments of its coalition. It neither had the capacity nor the inclination to pursue progressive socio-economic policies.

The short-lived UF regime was marked by political instability, administrative paralysis and a lack of focus. The internal bickerings of the UF partners and the opportunism of the Congress only buttressed the BJP's thesis that the secular commitment of these parties was no more than a ruse to prevent it from coming to power. Once again, it seemed as if secularism had to be saved from its champions.

A BRIEF NOTE ON MUSLIM FUNDAMENTALISM

Till now, I have dealt exclusively with Hindu militancy and its baleful consequences for Indian secularism. In the interest of fairness, I also wish to dwell on the concomitant rise of Muslim fundamentalism in India, particularly in the southern provinces.

After independence, almost the entire Muslim community pledged its allegiance to Nehru's Congress relying on the latter's pledge to uphold secularism. The small number of followers of the Muslim League, who chose to remain in India for a variety of reasons, carried on their politics under the banner of the Indian Union Muslim League. It was a small outfit and its influence was restricted to areas of Muslim concentration. The stigma of partition also stymied its appeal. In fact, except in Kerala where Muslims comprise 23.33 percent of the population, the Muslim League was not prominent in any other province. Even in Kerala, it was by no means a major player.

Till the late '70s, the preponderantly influential Congress enjoyed the allegiance of the Muslims throughout the country. From time to time, it patronized innocuous Muslim bodies like the Jamait-al-Ulema-e-Hind -- an entity comprising Muslim theologians and reformers -- in exchange for their political support. As we saw in the previous chapter, in the post-Nehru period, the Congress repeatedly reneged on its promises to the Muslims and disappointed them. Unfortunately, however, they were in no position to either confront or challenge the Congress. Widespread illiteracy, low socio-economic status, lack of political awareness, the absence of an enlightened leadership and institutionalized, systemic discrimination, all left them with little option save enduring the ill-treatment of the Congress.

From time to time, Muslim intellectuals and activists did make attempts to bargain for a better deal from the ruling elites. Thus, as early as in 1964, Muslim leaders representing a cross section of the community formed the Muslim Majlis-e-Mushawarat (Muslim Consultative Committee) to mobilize their co-religionists to unitedly lobby for their rights and privileges. At the time of the 1967 polls, the Majlis published a *Peoples' Manifesto* and tried to stipulate a commitment to honour its demands in order to receive the community's electoral support. But, this strategy did not yield the desired results because, after the election, the mainstream parties, particularly the Congress, defaulted on their word and ignored the *Manifesto* (Khalidi, 1993:44). The failure of the Majlis initiative and the indifference of the major parties to their longstanding woes forced Muslims to rethink their options. Throughout the '70s and '80s, incidents of communal riots rose steadily and the Muslims always bore the brunt of the losses. The passivity of the Congress betrayed its unwillingness to protect Muslim interests at the risk of becoming unpopular among the Hindus. The Muslims, therefore, decided to form their own regional parties and struggle for their rights, particularly in those provinces where their population was substantial. Thus, the Muslim Majlis was born in Utter Pradesh and the Majlis-e-Ittihad ul-Muslimeen emerged in Andhra Pradesh (ibid.). Besides, the Muslim League of Kerala spread its activities to West Bengal.

As fledgling organizations, these bodies did not command the resources and personnel to carry out their activities that major parties had, like the Congress and the BJP. Low levels of politicization in their community also made their task difficult. Given such circumstances, it was quite natural for them to mobilize their people around religious/communal issues. Their campaigns about the threats to Muslim identity, the Shariat, and Islam struck a chord among their largely unlettered brethren. Consequently, where an alternative existed, Muslims tended to support their own parties, more so in regions where they had numerical superiority.

But three factors impeded their effectiveness. First, since, barring some regions, Muslims are spread across the country, in the first-past-the-post electoral system of India, Muslim parties could not win in ridings with Hindu majorities. Though they won in a handful of constituencies, their support was not always required for the survival of a government, except in Kerala (where the League was a coalition partner in several governments). Second, the Hindu dominated ruling parties almost always succeeded in co-opting the victorious Muslim candidates by providing them patronage and power. Since most Muslim leaders had never wielded power and knew that they could not do so on their own, they became eager camp followers of the ruling elites and immersed themselves in the game of realpolitik. Third, the socio-economic profile of the Muslim community militated against the emergence of a leadership that empathized with the grave problems of the community. Till the mid '80s, most Muslim leaders came from the wafer-thin middle/upper middle classes of Muslims. Their class consciousness precluded them from identifying themselves with the lower caste/class Muslims. Ironically, they were more at ease with their peers among the Hindu elites and did not wish to antagonize the latter. The Muslim sub-elites, therefore, had no real incentive to work for upgrading the low socio-economic status of their people.

The net result was that the emergence of small, regional Muslim parties did not help the community. On the contrary, because their elites articulated only petty, communal demands, it was easy for the Hindu nationalists and the Congress to dub them as 'communalists' and 'obscurantists.' The discredited Majlis-e-Ittihadul-Muslimeen of Hyderabad vividly exemplifies the insular politics of the Muslim regional parties in India.[79] This state of affairs continued till the mid '80s.

Throughout this period, the only fundamentalist Muslim body in India was the Jamaat-e-Islami Hind. Maulana Syed Abul Ala Maududi, a scholar and a journalist, founded this body in 1941, with the intention, among other things, of rejuvenating Islam and the Muslim community in South Asia. The Jamaat interpreted Islam in a literalist, conservative fashion and claimed that the highest purpose of its religion was to establish the suzerainty of God on earth through the establishment of an Islamic state. Hence, it strove to promote a pan-Islamic brotherhood of Muslims. The Jamaat openly advocated the fusion of religion and politics and lobbied for the creation of a separate homeland for the Muslims where society could be structured according to the tenets of the Quran and the Hadith. It opposed modernization, the emancipation of women and all liberal, social reforms. In order to further its goals, the Jamaat maintained contacts with Islamic groups in other countries and received financial and moral support from its affluent co-religionists. The Jamaat, in several respects, was the polar opposite of Savarkar's Hindu Mahasabha.

After the partition, the majority of the members of the Jamaat moved to Pakistan. In 1947, it started with just 240 members in India and by 1981, its official strength climbed up to 2,831 with 36, 243 'sympathisers' (Hasan, 1997:207). The Jamaat's presence was restricted to Muslim educational institutions like the Aligarh Muslim University and the Jamia Millia. Its main activities included running libraries, reading rooms, and Islamic study circles. Besides, it sponsored the publication of books on Islam, Quran, and the Hadith in Urdu, Hindi, and English. It spent a major portion of the funding it received from Islamic groups abroad and from Muslim charitable trusts domestically, on education, religious propaganda, and related activities. It operated mainly in centres that had strong Muslim presence. From time to time, the Jamaat did intervene in political matters, often taking extreme postures on issues concerning Muslims. Notwithstanding RSS allegations, however, solid evidence of its incitement to communal violence is few and far between. Though an ultra-conservative force wedded to establishing Islamic supremacy, its influence on Indian Muslims and politics remains marginal.

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[79] Alam (1996) has examined the communal politics of the Majlis-e-Ittihad ul-Muslimeen in Hyderabad and explains how it has been counterproductive to the larger interests of the Muslims.

Around the latter half of the '80s, the incipient signs of Muslim fundamentalism became apparent. One of its singular features was that it had arisen in the southern provinces, particularly in Kerala and Tamil Nadu, much more prominently than in the north. Hitherto, Muslim militant groups operated in pockets of northern provinces, particularly in Kashmir. But, even in these places, they remained dormant for a long time. By the late '80s, the religious minorities began to entertain serious misgivings about the bona-fides of the Hindu dominated Indian state. As we saw in the previous chapter, enough grounds existed for such apprehensions. Throughout the '70s and '80s, there were recurrent bouts of communal violence. In the '80s, the federal Congress government negated the popular will of the Muslims of Kashmir by subverting their democratically elected governments. A similar situation obtained in Punjab. The Bengali speaking Muslims of Assam also had to endure severe hardships in the wake of the nativist students movement in the province. The undemocratic and majoritarian politics of the Indian state gave rise to these problems in the first place. Its insensitivity to the mounting problems of the minorities convinced them that they could no longer rely on the promises of the state. Also, since the trajectory of development in the post-independence period had almost completely by-passed the Muslims and the lower castes, they were in a belligerent mood. But, as we have seen, by far the most ominous trend of the late '80s was the rise of the Hindu nationalists. The Congress had abdicated its historic role and vacated space for the rise of the BJP which is avowedly anti-minorities. All these factors contributed to a siege mentality among the minorities and rendered them susceptible to religious mobilization. Small wonder, then, that on the question of Shah Bano and the UCC, the Muslims opposed progressive reforms and sided with the conservatives.

The disillusionment of the Muslims coincided with the emergence of certain enabling circumstances. By the late '80s, a small middle class had emerged among the Muslims. Its members, formerly belonging to low artisan castes, found work in the various trades. Many also established their own businesses. The employment boom in the Persian Gulf region offered job opportunities to thousands of Muslims who had little chance of succeeding in the Indian economy. Their remittances from abroad enhanced the socio-economic profile of their community. These salutary changes did not affect all the strata within the Muslim community. Nevertheless, they created a positive impact and empowered some sections.

Unfortunately, with the first signs of Muslim prosperity and assertiveness, Hindus lashed out against them.

Envious of the Muslims' success, Hindu militants engineered riots in industrial towns where Muslims dominated the trades and systematically destroyed their properties (Gopal, 1991:18). When such preplanned riots took place in towns like Moradabad, Aligarh, Bhagalpur, and so on, neither the law enforcement agencies nor the governments intervened on behalf of the minorities. The Muslim populace was not only disillusioned but also convinced that in order to survive, it had to retaliate with force. But, the Muslims could not match the resources that their adversaries commanded. They had to resort to devious means to protect themselves because their properties were repeatedly looted and destroyed in communal riots. Thus, the compulsions of survival and the lack of opportunities for advancement through legitimate means forced thousands of penurious Muslim youths to terrorism and crimes such as smuggling and drug peddling. In the '90s, their conditions have further deteriorated mainly because of the predatory commercialization that the state has sponsored in the name of economic reforms. Nearly half of all Muslim men are illiterate and over two thirds of them lack elementary life skills. Their kinship networks do not extend to the higher echelons of the government, bureaucracy and business.

To make matters worse, Hindu nationalists have launched a serious offensive against Muslim identity and accused them of disloyalty to the nation. Even their legitimate agitations, therefore, appear to be insurrectionary in character. Instead of redressing their grievances, the federal government has tried to quell their protests through draconian laws like the Terrorist and Disruptive Activities (Prevention) Act.[80] All of which has calcified Muslim antagonisms and convinced them that militancy and reprisals are the only avenues for survival.

After the demolition of the Babri mosque in December, 1992, Muslim terrorism has acquired disturbing proportions. The destruction of the mosque and the vicious riots that accompanied it proved to be the last straw for the Muslims. In March 1993, Muslim militants blast twelve bombs in Bombay on a single day, killing 365 people. Though it is true that the Pakistan intelligence agency, ISI, was involved in the blasts, it cannot be denied that Muslims also were exasperated by the connivance of the state and resorted to such a heinous crime in desperation. Similarly, following the demolition, several fundamentalist Muslim groups have become active in Kerala and Tamil Nadu. Groups such as Islamic Sevak Sangh, Islam Defence Force, Al Umma, Jihad Committee, Students Islamic Movement of India, Tamil Nadu Muslim Munnetra Kazhagam and so on are indeed involved in bombings and acts of terrorism. Before I analyze their activities, I wish to briefly explain why Muslim fundamentalism arose in the south and acquired minatory proportions.

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[80] On May 23 1985, the Congress ruled federal government legislated the Terrorist and Disruptive Activities (Prevention) Act (TADA), ostensibly to incarcerate terrorists who were a threat to the 'security of the state' and to 'public order.' Under TADA, the government enjoyed unbridled powers to arbitrarily arrest people and curtail their civil liberties without being accountable to the judiciary. The statute provided for the replacement of the judicial magistrate with an executive magistrate to try the cases. It provided for extended periods of remand, allowed for the admissibility of confessions made to police and shifted the onus of proof on the accused. Those charged under this Act did not have recourse to bail. During the ten years it was in vogue, the state used TADA to jail Muslims, trade unionists, peasants, landless labourers and so on who could have been dealt with under the regular statutes. Between May 1985 and June 1994, the state arrested 76,166 people under TADA, 40,000 of whom were Muslims. Of those arrested, 18, 708, i.e. 24.5 percent were discharged without any charges being framed against them. Trials were completed in 20,386 cases and the courts convicted only 843 people who comprised just four percent of those charged. 19,543 people, i.e. 96 percent of them were acquitted. Following the widespread misuse of TADA against the minorities, Muslim M.P.s strongly protested against its extension beyond the ten year period. The National Human Rights Commission also recommended its abolition. Though the government allowed the law to lapse, over 37,000 people booked earlier under TADA are still facing trials. For details, see a report based on findings by the People's Union of Democratic Rights titled "Black Law and White Lies: A Report on TADA, 1985-1995," *Economic and Political Weekly*, May 6-13, 1995, pp. 977-981.

Up until the late '80s, the Hindu nationalists were unable to establish their foothold in the four southern provinces of Kerala, Karnataka, Andhra Pradesh, and Tamil Nadu.[81] Both the Jan Sangh and its successor, the BJP, were based in the Hindi speaking cow belt comprising the northern provinces. In fact, the popular perception in the south was that the BJP was 'a party of shopkeepers' and that its mainstay was the 'Hindu-Hindi-Hindustan' plank. For a variety of reasons, some of which I shall mention in passing, the southern provinces were never enthusiastic about either Hindi or Hindu nationalism. Also, their Hinduism did not share all the xenophobic features of Hinduism prevalent in the north.

To a large extent, the southern disinclination toward the BJP plank had to do with their distinct socio-cultural and political backgrounds. Kerala, for instance, is a multi-denominational province with significant Muslim and Christian populations. Besides, for a long time now, it has been the bastion of a strong leftist movement. Under successive Left Front governments, the province has undertaken land reforms, literacy projects and the like, all of which make it an inhospitable terrain for religious mobilization. Similarly, both Karnataka and Tamil Nadu have long traditions of aggressive non-Brahmin movements which culminated in the dethronement of the Brahmins and in affirmative action policies for the lower castes and the minorities. In Tamil Nadu, the Dravidian movement, led by Periyar Ramasami Naicker and others, criticized the 'Aryan Hindu culture' of north India and struggled for the recognition of the egalitarian, rational, Dravidian culture of the Tamils. Being staunchly anti-north India, the Dravidian parties had launched a massive anti-Hindi movement in the mid '60s.

Andhra Pradesh also has been home to several well-established, radical, left-wing movements since independence. Between 1948-51, the CPI mobilized landless peasants and launched armed uprisings in the Telengana region of AP and at Tanjavur in Tamil Nadu. Though the Indian state crushed these movements through coercion, they laid the foundation for progressive politics in these provinces. Furthermore, since the last couple of decades, the People's War Group, a puissant, ultra-radical group of the CPI-ML, is involved in struggles to safeguard the rights of the tribals and peasants in the Srikakulam, Nizamabad, and,

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[81] For data about the electoral performance of the BJP in the provincial elections, see Wirsing and Mukherjee, 1995.

Adilabad districts of AP. Lately, the Telugu Desam, a regional party that claims to champion Telugu interests, has gained prominence. All these movements have left their imprint on politics in the south. The religious appeals and the Hindu nationalist agenda of the BJP, therefore, could not strike roots in the south for a very long time.

Since the Meenakshipuram conversions in 1981, the VHP and the BJP have made vigorous attempts to make in-roads into the southern provinces. Like elsewhere, they have tried to precipitate the communal polarization of the Hindus and Muslims so that their divisive politics of religion would succeed. The BJP began by targeting the Muslims and accusing them of forcible proselytizations in Tamil Nadu. Later, at the height of the Ayodhya movement, the Hindu nationalists organized processions throughout south India to collect cash and bricks for building the Ram temple. Encouraged by the upsurge of Hindu fervour, the BJP has started several front organizations like the Hindu Munnani, Hindu Makkal Katchi and the Tamil Nadu Hindu Merchants Association. These bodies organize Hindu festivals and processions on a lavish scale and strive to unite the Hindus through social activities and charitable programmes. Besides, they take a proactive approach in stoutly opposing the 'anti-Hindu' policies of the provincial government. Interestingly, all these Hindu bodies have well-wishers and sympathizers in the bureaucracy and the government. The provincial police also patronizes the Hindu Munnani.[82]

The forays of the Hindu nationalists and the solid patronage of the state for their activities alarmed the Muslims. Since the Ayodhya movement started, they experienced a great deal of hostility from several quarters such as the civil society, the bureaucracy and the law enforcement agencies. The sustained Hindutva campaign of the BJP front organizations communalized even secular activities like trade and commerce and did incalculable damage to the business interests of the Muslims. Leaders of the Hindu Munnani made fiery speeches in Coimbatore and other commercial centres urging Hindus to buy goods only from Hindu businessmen (*Frontline*, March 7, 1998). In the guise of promoting Hinduism, Hindu merchants and businessmen also reciprocated this gesture by providing material and moral support to the Munnani.

The beleaguered Muslim community found itself rudderless in the face of the Hindu onslaught. The mainstream parties such as the Congress and the Janata Dal did little to come to their rescue. Muslim political parties like the Indian Union Muslim League and its splinter group, the Indian National League, were in no position to take on the forces of Hindutva as they were in shambles and their leaders were mostly involved in petty ego squabbles. Unemployed Muslim youth filled the leadership vacuum in the community and decided to pursue subversive activities as a retaliatory strategy. The Pakistani intelligence agency, ISI, sensed the frustration among the Muslims and, in its bid to embarrass the Indian government, aided their acts of terrorism.

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[82] In a recent report on communal bodies in the south, published in *Rediff on the Net*, George Iype states that the Hindu Munani enjoys the patronage of the Tamil Nadu police. His report of Feb. 16 1998, can be accessed on the Internet at <http://www.redifindia.com/news/1998/feb/16terror.htm>

Hence, close on the heels of the Bombay blasts in March 1993, Muslim militants struck again, this time in Madras. In August 1993, a powerful bomb ripped through the office of the RSS in the city, killing 10 RSS activists. The police arrested fourteen Muslims, all of them belonging to a Tamil Nadu based terrorist organization called Al Umma, including its founder, S. A. Basha. Basha started Al Umma in 1987. It remained largely inactive till December 1992, confining itself to social service in the community. After the Ayodhya demolition, Al Umma, with barely 2000 active members, became involved in terrorism and violence which were directed exclusively against the RSS and the Hindu Munnani. Aside from the RSS headquarters in Tamil Nadu, Al Umma subversives have also bombed several premises belonging to the Hindu Munanni and a couple of Hindu temples.

From 1993 onwards, Al Umma and Hindu fundamentalist groups have repeatedly clashed in Tamil Nadu and murdered members of the opposite camps.[83] Thus, in 1994, hardliners of Al Umma killed the President of the Hindu Munnani, Rajagopalan. To avenge his death, Hindu extremists killed Palani Baba, the founder of Jihad Committee, another Muslim fundamentalist body. A spate of communal riots and killings have taken place since then. Two major flare-ups occurred recently in Coimbatore, a thriving textile centre, popularly known as the Manchester of India. In December, 1997, fierce riots broke out between Hindus and Muslims after Islamic fundamentalists murdered a Hindu constable to avenge earlier murders.[84] The regional police staged a revolt and went on a rampage. Violence and mayhem rocked the city for three days leaving 18 Muslims and two Hindus dead. Within days, Al Umma terrorists fought back with vengeance. On December 6 1997, they marked the fifth anniversary of the demolition of the Babri mosque by detonating bombs on three trains in Kerala and Tamil Nadu (*India Today*, December 22, 1997:26-27).

Again, in February 1998, Muslim fundamentalists exploded a series of powerful devices at the venue of an election meeting in Coimbatore which L.K. Advani, the President of the BJP, was slated to address. 60 people died in the bomb blasts and over 300 were injured (*India Today*, March 2, 1998:34-35). The Tamil Nadu government banned Al Umma and some other Muslim terrorist organizations and enacted a sweeping law -- the Prevention of Terrorist Activities Act -- on the lines of the TADA. But, the violence continues.

The situation in Kerala is equally grim, although not as serious as in Tamil Nadu. The RSS has instructed its cadres in the province to oppose both the communists and the Muslims. Accordingly, RSS workers have specially zeroed in on the Muslim dominated Malapuram district and indulged in acts of violence. To protect Muslim interests, Abdul Nasser Madani started the Islamic Sevak Sangh (Islamic Volunteers Association, ISS henceforth) in 1993. The RSS and ISS have been locked in bloody confrontations on several occasions, usually over trivial sectarian issues.[85] The RSS accuses the ISS of receiving funds from Pakistan's ISI, like the Al Umma. The ISS denies this allegation and claims that it is interested only in uniting the Muslims of Kerala to withstand the RSS onslaught. The RSS allegation, however, cannot be easily ruled out. Undoubtedly, the ISS is a fundamentalist body wedded to achieving its goals through coercive means. The Left Front government in Kerala cracked down on its activities and arrested its prominent members including its founder, Madani. The ISS has now been dissolved and its members operate under the banner of the People's Democratic Party in Kerala.

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[83] For an analysis of the Hindu-Muslim violence in Tamil Nadu, see Karat, 1998.

[84] For details of the riots, see *India Today*, December 15, 1997:20-21.

From the foregoing account, two conclusions can be drawn. First, Hindu-Muslim disturbances arose in Tamil Nadu only after the Hindu nationalists started a vigorous campaign of communal mobilization, a fact that several reports of the federal Intelligence Bureau corroborate.[86] Second, though it is true that the ISI backed terrorism of the Muslim fundamentalism has acquired menacing proportions, one cannot ignore the fact that it enjoys support and legitimacy among the Muslims because the Indian state has completely failed to protect their life and property and guarantee their elementary civil liberties.

RELUCTANCE OF THE STATE TO PROSECUTE COMMUNAL ELEMENTS

All the lapses of the successive governments pale into insignificance when compared to their total apathy in prosecuting those involved in communal riots. At both the federal and provincial levels, governments customarily appoint a judicial commission of inquiry as soon as a communal disturbance takes place. They do so primarily to avoid further action and to deflect popular anger. Once a commission is appointed, the government refuses to take any punitive measures against the culprits or even discuss the riots, all on the plea that the matter is 'sub judice' and that it does not wish to interfere in the inquiry. As in the case of the Liberhans Commission, most judicial commissions cannot begin their investigations immediately because the government resorts to dilatory tactics, or is reluctant to co-operate. The delay enables the perpetrators to cover their tracks, tamper the evidence, intimidate prospective witnesses, or just disappear. It also prevents most commissions from completing their inquiry within the stipulated period. In many instances, governments have refused to extend their terms on the ground that the inquiry is no longer relevant, as the Maharashtra government did in the case of the Srikrishna Commission investigating the 1993 riots in Bombay (*Sunday*, August 16-22, 1998:19). The Commissions are revived only after civil liberties activists protest and secure a directive from the courts.

After strenuous efforts, when the Commissions submit their reports, the governments refuse to divulge their details and table the report on the floor of the legislature. Interestingly, under the Commissions of Inquiry Act of 1952, it is not mandatory for a government to disclose the report of a Commission or accept its findings. Thus, when the Srikrishna Commission submitted its report to the Shiv Sena government in Maharashtra, the latter declined requests to publicize it (ibid.). After the Bombay High Court intervened, the government agreed to place it before the legislature. Justice Srikrishna had painstakingly probed the Bombay riots and indicted the Shiv Sena and its chief, Bal Thackeray. The Sena government promptly rejected the findings stating that the whole report was biased and 'anti-Hindu' (ibid.).

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[85] For details of the clashes between the RSS and the ISS, see George Iype's report in *Rediff on the Net*, titled 'RSS and ISS Fight Vigorously for Malapuram Muslims,' August 24, 1998. The Internet site can be accessed at <http://209.194.80.218/news/1998/aug/24keral1.htm>

[86] For details of the Intelligence Bureau reports blaming the BJP/RSS for communal violence in Tamil Nadu, see George Iype's Feb 16, 1998 report in *Rediff on the Net* titled "'Pakistan Has Found Willing Allies in South India.'" The report can be accessed at <http:.//www.redifindia.com/news/1998/feb/16terror.htm>

Even when they accept the reports, do governments prosecute the guilty and secure convictions? The brief answer is 'No.' Consider the following:

1. At the height of the 'anti-foreigners' agitation launched by the All Assam Students Union (AASU), the protestors killed over 1800 Muslims on February 18, 1983 at Nellie in Assam.[87] A couple of weeks later, the Assam government instituted a one-member commission of inquiry headed by Mr. T. D. Tewary. The Tewary Commission submitted its 600 page report in May 1984, and, according to media reports, it indicted the local leaders of the AASU for inciting violence. Fifteen years have passed but the Assam government has still not made the report public, mainly because the leaders of the AASU later formed the provincial AGP government and are in power even now. Within days of the Nellie massacre, the local administration made some arrests and the courts, on their own, took up 11 cases against the killers. In 1985, after the AGP assumed office, the courts dropped the cases because the provincial governments withdrew the charges against the accused. In the last 15 years, all that the provincial government has done is to suspend two policemen belonging to the Jagiroad police station near Nellie, for 'dereliction of duty.'

2. Between September 6 and October 20 1982, Hindu-Muslim clashes rocked Meerut city in Utter Pradesh (UP). In January 1983, the UP government instituted an inquiry commission headed by Justice C. D. Parekh to probe the riots. The Parekh Commission submitted its report five years later, in November 1988. The UP government did not publicize its findings and did not even lay charges against the guilty. In 1984, some aggrieved Muslims filed a case in the court regarding the 1982 riots and petitioned that it should direct the UP government to take action. The case came up before the Supreme Court of India in 1996. The apex court directed the UP government to file a summary of the findings of the Parekh Commission report and the details of the action it has taken. The UP government repeatedly failed to produce the required information. On October 25 1998, a three judge bench of the Court headed by Chief Justice A. S. Anand passed severe strictures against the UP administration and threatened to initiate contempt proceedings against the UP Home Secretary (*Indian Express*, October 26, 1998). It has given two months time to the UP

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[87] For details of the Assam government's inaction regarding the Nellie massacre, see *India Today's* report titled 'Forgotten Massacre,' October 6, 1997:34-35. My analysis draws from this report.

government to furnish the details.

3. Several judicial commissions have indicted communal bodies like the RSS, Jan Sangh and the Shiv Sena for their complicity in fomenting sectarian violence. In some instances, they have fixed the blame on the front organizations of these bodies. The Justice Jaganmohan Reddy Commission on the Ahmedabad riots in 1969, the Justice Madon Commission on the Bhiwandi riots in 1970, the Justice Vithayathil Commission on the Tellicherry riots in 1971, the Justice Jitendra Narain Commission on the Jamshedpur riots in 1979 and the Justice Venugopal Commission on the Kanyakumari riots in 1982 have all unambiguously incriminated the RSS and its front organizations (Basu, et al., 1993:20; Noorani, 1990:221-225). In the recent years, the judicial report on the Bhagalpur riots of 1990 once again held the RSS responsible for the violence. All these inquiry commissions sedulously compiled evidence after examining hundreds of witnesses over several years. They also made detailed recommendations for preventing the recurrence of communal clashes. The Madon Commission on the Bhiwandi riots conducted investigations for four and half years, examined 375 witnesses and produced a 5000 page report. It explicitly indicted Shiv Sena chief, Bal Thackeray for the clashes and recommended stern action. Till now, in all the aforementioned instances, no charges have been laid against any prominent member of the RSS, Jan Sangh, and Shiv Sena. It is important to note that up until the early '90s, the Congress was in power in a majority of the provinces but it chose to ignore the judicial reports.

Aside from the instances cited above, there are umpteen examples of the government's callousness in prosecuting the perpetrators of communal riots. No matter how difficult it is to implement secularism, at least in the interest of upholding the rule of law, the Indian state could have prosecuted some of the less prominent rioters. Its inaction sent a wrong message to the communalists that killing the minorities was justified and that it will not lead to penal consequences. What, then, is the sanctity of Indian secularism? The ineluctable inference is that it is no more than a hegemonic ideology meant to masquerade the Hindu bias of the Indian state.

CONCLUSIONS

My detailed survey of the secular track record of successive governments from 1947 through 1997 clearly demonstrates two major points. First, the near total abdication of responsibilities toward the minorities by successive regimes indicates that, in terms of their actual consequences, there is little difference between the accommodationist perspective on secularism espoused by the Congress and other centrist parties and the exclusivist perspective of the Hindu nationalists. It means that though the rhetoric of the accommodationist perspective is impressive, it has provided barely any relief to the minorities. It also vindicates my earlier point that all the current conceptions of secularism have a heavy Hindu bias and hence cannot bring much succour to the minorities. Not surprisingly, therefore, as we saw in the previous three chapters, they continue to suffer atrocities even when they are ruled by parties wedded to secularism. The only extenuating factor is that if the BJP--avowedly hostile to the minorities and to secularism--comes to power with an absolute majority, then it is likely to inflict far greater damage on them. During its recent 13 month stint, in spite of being critically dependent on a host of regional parties for its survival, the BJP considerably vitiated the communal atmosphere in the country through repeated attacks on Christians and Muslims, nuclear tests, and so on.

The second point concerns theoretical issues raised by Kymlicka, Taylor and others. These theorists have emphasized the importance of 'recognition' and membership in a 'societal culture.' Their theories explain how minorities suffer when the recognition due to them is withheld or, when their societal culture is not allowed to thrive. In brief, their thesis is that if the minorities are denied access to their culture, language, and values and if they are subject to repeated emotional, physical and verbal abuse, then they are likely to suffer from permanent handicaps in the form of diminished self-image, lack of robust values and so on. Valuable as these insights are, they do not address the question of how they can be institutionalized if the state itself is illiberal and anti-minorities. As we have seen in the last three chapters, while paying symbolic homage to secularism, the Indian state operates on the premise that the minorities must voluntarily assimilate within the Hindu mainstream if they wish to live in peace. Clearly, then the theory of minority rights has limited applicability in the context of illiberal and undemocratic states. Hence, theorists of minority rights should examine the validity of their premises by taking into account the socio-economic, political, and cultural situation obtaining in different parts of the world.

Chapter 9

THE POLITICAL ECONOMY OF SECULARISM IN INDIA

In my discussion so far, I have examined the secular track record of all the governments since 1947 and of all major political parties. Their specific acts of omission and commission in upholding secularism and fostering a secular ethos prove that, except for the communist parties and the Janata Dal in a couple of instances, almost all other mainstream parties have been less than enthusiastic in honouring even the limited 'equal respect for all religions' doctrine. Nonetheless, all of them proclaim themselves as saviours of true secularism. Thus, since the early '90s, ignoring grave economic problems, political forces in India have polarized around the issue of secularism. The Congress, the centrist Janata Dal, CPI, CPM, the socialists and some regional parties have declared themselves as staunch champions of secularism and have vowed to resist the attempts of the Hindu nationalists to dismantle it. Interestingly, while opposing official 'pseudo secularism,' the BJP and its allies too, have reiterated their commitment to usher in 'genuine secularism' based on 'equal respect for all and discrimination of none.'

In the light of these developments, I wish to address the following questions in this chapter. Why do political parties that evidently do not care much for secularism still feel compelled to reaffirm their faith in it? More important, why has the Indian state failed to honour secularism and protect the interests of the minorities? Considering that both the Congress and the BJP are indifferent to the rights of the religious minorities, what is the significance of their seemingly opposite perspectives on secularism? Are they indeed mutually exclusive? Or, are they merely different approaches to mass politics and political mobilization? Another important question to consider is whether secularism has failed in India. If so, then, what options do the minorities have?

WHY IS SECULARISM CENTRAL TO THE POLITICAL DISCOURSE IN INDIA?

Regardless of their distaste for secularism, parties across the political spectrum declare their faith in it for a couple of reasons. First, though not significant in terms of their percentage in the total population, the religious minorities still constitute sizeable numbers and cannot be alienated. No political party can afford to explicitly state that it is totally opposed to the very notion of secularism because it will amount to reneging on the repeated assurances given to the minorities during the freedom struggle and later. More important, such a categorical statement will quickly estrange the Muslim majority in Kashmir, the Sikhs in Punjab, and the Christians in Kerala and the north-east. It could also revive the dormant secessionist movements in some of these provinces and endanger national integration. No wonder, therefore, that even the BJP talks of 'genuine secularism,' although its version has an overt Hindu majoritarian bias.

Second, any party aspiring to obtain a majority in the Parliament has to enlist the support of the minorities. According to the Rudolphs, Muslims, for instance, form more than

20 percent of the electorate in 197 out of 545 parliamentary constituencies in India (1987:196). Of these, in 10 constituencies, they have a simple majority and in 10 others, they form 35 to 49 percent of the electorate (Khalidi, 1993:46). In the rest of them, they comprise 20 to 34 percent of the electorate (ibid.). In the first-past-the-post electoral system in India, candidates that garner 30 percent of the votes often manage to win the polls. Muslims, therefore, can tilt the balance in favour of one or the other party. The Rudolphs argue that Muslims vote for national centrist parties like the Congress, Janata Dal and so on, if they are a vulnerable minority in a riding and for 'confessional' parties (like the Majlis and the Indian Union Muslim League) if they are in significant numbers (1987:194-196). Overall, they are known to vote for parties that promise to provide them security and support secularism.

It could be pointed out that in spite of its well-known hostility to the minorities, the BJP has grown in strength and succeeded in being voted to office. It is indeed true that since the late '80s, the BJP has consistently done well at the polls. But, its success has not been total chiefly because it lacks the support of the minorities. The BJP's performance in the general elections has been as follows:

Election Year	% of national vote	Seats won in the Lok Sabha	Seats contested in the Lok Sabha	Total seats in the Lok Sabha
1952	3.1	3	93	489
1957	5.9	4	132	494
1962	6.4	14	196	494
1967	9.4	35	250	515
1971	7.4	22	157	518
1984*	7.4	2	224	515
1989	11.4	85	226	529
1991	20.2	119	460	511
1996**	20.3	161	500	537
1998***	25	177	476	543

(Source: David Butler, Ashok Lahiri and Prannoy Roy India Decides: Elections 1952-1991. New Delhi: Living Media India Limited, 1996; and News Services Division, All India Radio Lok Sabha Poll: An A.I.R. Analysis. New Delhi: Government of India, 1991).

*Since the Bharatiya Jan Sangh, the earlier incarnation of the BJP, was part of the Janata coalition in 1977 and 1980 elections, there are no estimates of its share of the popular vote.

**In the 1996 polls, the BJP and its allies, notably the Shiv Sena, won a total of 187 seats and got 24.3 percent of the popular vote.

***In the 1998 elections, the BJP contested the polls in alliance with 12 regional parties. The BJP and its allies won a total of 250 seats (BJP-177 and allies-73) and got 36.2 percent of the popular vote. For details, see *India Today*, March 16, 1998, pp.29-35.

From the statistics provided above, two facts stand out. First, the BJP managed to substantially improve its electoral performance only after 1989. This growth coincides with its militant campaigns around sectarian issues such as the Ram temple movement in Ayodhya, the Shah Bano episode and so on throughout the '80s. Earlier, the BJP remained on the periphery for a long time, due, among other things, to its anti-minority stance. By 1989, its fortunes changed because its communal campaigns struck a chord among upper caste Hindus, particularly in the northern provinces, who voted for the party in large numbers. But, since its Hindu voter base was restricted to the north and pockets of the west, the BJP came nowhere close to attaining a majority. Second, the BJP succeeded in forming the government in 1998 only because it entered into seat adjustments and poll alliances with 13 regional parties in different provinces. These alliances became possible after it agreed not to pursue controversial, anti-minority issues such as the promulgation of a uniform civil code and the abolition of Article 370. Despite compromising its core planks, the BJP managed to get only 7 percent of the Muslim votes; it, however, made up for this lacuna by getting 56 percent of the upper caste votes and 42 percent of the OBC (agrarian/artisan intermediate castes) votes (*India Today*, March 16, 1998:33).

The Congress, similarly, declined considerably after it forfeited the trust of the minorities in the late '80s. Here is how it has performed in the general elections since independence.

Election Year	% of National Vote	Seats won in the Lok Sabha	Total seats in the Lok Sabha
1952	45	364	489
1957	47.8	371	494
1962	44.7	361	494
1967	40.8	283	515
1971	43.7	352	518
1977	34.5	154	542
1980	42.7	353	542
1984	48.1	415	542

1989	39.5	197	543
1991	36.5	232	543
1996	28.1	136	543
1998	25.4	140	543

(Source: David Butler, Ashok Lahiri and Prannoy Roy India Decides: Elections 1952-1991. New Delhi: Living Media India Limited, 1996; *India Today*, May 31, 1996:24; March 16, 1998:29-35)

It is clear from the aforementioned data that the Congress suffered heavy reverses in the 1977 polls. Its debacle was, to a considerable extent, due to the excesses and atrocities against the minorities during the Emergency. Likewise, the position of the Congress declined steadily after the demolition of the Babri mosque in 1992. It has not recovered since then.

One of the reasons why minority electoral support matters crucially is because the Hindu community is far from being homogeneous and monolithic. The umpteen castes, sub-castes, sects, and groups within the Hindu rubric are riven with internal dissensions that prevent them from considering themselves a pan-Indian community with common interests. The schisms among the Hindus and the discriminatory attitude of the upper castes could impel the subaltern castes to forge alliances with the minorities in order to dislodge the hegemony of the upper castes. By openly renouncing their belief in secularism, the mainstream parties could catalyze the coalition of the lower castes, tribals, and the minorities, a prospect which, though real, has not come to pass in a pronounced manner. For these reasons, all parties, including the Hindu nationalists, consider it strategically important to underscore their secular credentials.

Even so, one might ask, if secularism has an instrumental value, why, then, do successive governments ignore its dictates in day-to-day administration? In other words, why has the Indian state consistently failed to protect the interests of the religious minorities? The most obvious reason is that the minorities, particularly the Muslims -- the largest minority group -- are handicapped by low levels of literacy, weak political consciousness, lack of resources to organize themselves and, the absence of an enlightened leadership. Being weak, disorganized, and poor, they do not pose any serious threat to the hegemony of the entrenched, upper caste elites. Hence, the state is under no compulsion to protect the human rights and dignity of the minorities as the latter are in no position to offer any resistance. It bears reiteration that the Congress, which ruled India for all but five years since independence, on purpose did not empower the minorities because it wanted to dodge its obligations to them. The non-Congress parties that ruled during the remaining five years, also followed the Congress policy of neglecting them. Since the mid '70s, except the Hindu nationalists, all major political players have managed to earn the support of the minorities on the strength of false assurances and by co-opting their elites in the power structure. Their strategy has worked so far because, as Khalidi points out, being ill-equipped and dispersed throughout the country, the minorities have barely three political choices. They could join or support a secular party that is supposedly sympathetic to their concerns, they could work through non-partisan pressure groups, or, they could form their own political parties and extract benefits by offering support to coalition governments (Khalidi, 1993:43). They have explored all these avenues and not succeeded in promoting their interests. If the minorities continue to remain marginal and if their elementary human rights are being routinely violated, then a large portion of the blame rests on the Indian state. To appreciate why the postcolonial state is inimical to their interests, one has to understand its character and agenda.

THE POSTCOLONIAL STATE IN INDIA: WHOSE INTERESTS DOES IT SERVE?

As a major institution with phenomenal ability to intervene in the civil society and to implement progressive policies, the postcolonial state is, without question, one of the key players in the Indian polity. Analyzing the character of the state and its fundamental preoccupations will provide a useful context for appreciating the troubled trajectory of Indian secularism. In this section, therefore, I wish to pay close attention to two significant issues. First, briefly, I will discuss the character of the state and its overarching agenda. Second, I wish to corroborate my observations about the state by critically examining its intervention in the economy. So far, I have dealt with the state's engagement (or lack thereof) with secularism. In this second part, I will zero in its role in the political economy of development. My purpose in undertaking this task is not only to validate my thesis about the nature of the state but also to link it to the declining fortunes of secularism. In other words, to understand why secularism has come under an eclipse, I contend that one has to dissect the state's economic agenda. As to how the two are related to one another will become clear as we proceed.

Scholars are unanimous that "there is no single or dominant ruling class, at whose behest the Indian state might act" (Byres, 1994:19; also see Bardhan, 1988 and Bhagavan, 1987). The Indian state is constituted of a plurality of conflicting interests that "militate against the emergence of a single, dominant class whose writ can be enforced throughout the country" (Bardhan, 1988:215; also see Bhagavan, 1987:56-57). This fragmented coalition of dominant proprietary classes, according to Bardhan, includes "industrial capitalists, rich farmers, and white-collar workers and professionals," with no single group being individually more powerful than the others (ibid.). Bhagavan estimates that the coalition of dominant proprietary classes includes "about 150 million people forming the top 20 percent of the total population" (1987:57). This group has an income share of about 50 percent of India's GDP (Pai Panandikar, quoted in McKean, 1995:8). In stark contrast, according to the federal government, about 36 percent of the total population lives below the poverty line (*Deccan Herald*, June 4, 1998). The Human Development Report for South Asia 1997, however, states that 44 percent of the total population lives in absolute poverty[88] (Haq, 1997:33).

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[88] The incidence of poverty is much more widespread than the official estimates of the Government of India and the Human Development Group of the UNDP. The UNDP and the World Bank include within absolute poverty all individuals who earn less than one dollar (US) per day. In a recent article, Chossudovsky has criticized

Also, the poorest 40 percent of the population holds only 16 percent of the country's wealth (Akram-Lodhi, 1990:368).

Several scholars have critiqued Bardhan's thesis about the dominant proprietary classes. According to Ghosh, his theory provides "no insight into why particular groups have been dominant...why and how these groups, the rest of society, and the state have changed over time..." (1997:174). Patnaik *et al.* have faulted Bardhan's analysis on the ground that "it is conducted in terms of a few fully-formed, rigidly crystallized classes" 1996:56). Instead, they posit that the processes of class formation and class proliferation must be given due recognition (ibid.).

The polemics regarding the exact institutional mechanisms by which the various dominant classes relate to one another and resolve the disputes between themselves and with the rest of society is rich and varied. Since it is not particularly relevant to my argument, I shall not go into its details. Suffice it, for our purpose, to note that by common consensus, an alliance, mainly comprising the rural oligarchy and the big, industrial bourgeoisie--the latter being heavily influenced by the interests of metropolitan capital--dominates the state (Mitra, 1977; Patnaik, 1973). Soon after independence, the industrial bourgeoisie hegemonized the working class and depended on the rural landed classes to mobilize the rural electorates. In return, the rural oligarchy wrested concessions in the form of higher procurement prices for agricultural products. This alliance has never been smooth and often is characterized by pulls and pressures in opposing directions. In the last fifty years, the Indian state has overwhelmingly served the interests of this ruling coalition and has also resolved their inter and intra class conflicts by playing the role of "orchestrator, mediator, and arbitrator, thus ensuring for itself a dominant position" (Bhagavan, ibid.).

The interventions of the state in the economy and civil society and the general thrust of its major socio-economic policies indicate that it is primarily interested in the twin tasks of accumulation and legitimation (Chatterjee, 1994:60). All the problems confronting India, including the erosion of secularism, make sense only when they are embedded within the context of the severe crisis arising from acquiring surplus in a predominantly agrarian society (Lele, 1994). What renders this process hard to accomplish is the fact that the state elites crucially depend on the support of the agrarian voter base and hence are unwilling to antagonize this class. The state, thus, finds itself in the unenviable task of having to manage two types of conflicts:

> 1) the rising curve of confrontations between the basic oppressed classes of Indian society (rural and urban proletariat) and their class enemies; and, 2) the tensions and struggles both within the ruling class bloc--between different fractions and sections of industrial capital, or between the agrarian and industrial bourgeoisie--and between this bloc and its petty-bourgeois mass base (Vanaik, 1985:61).

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the one dollar (US) a day poverty threshold set by these bodies for measuring poverty in developing countries. He argues that this yardstick is unrealistic and smacks of 'double standards' because, for determining the poverty threshold in the US, these bodies use per capita income of US $ 11 a day as the cut off point. For details, see Chossudovsky, 1998.

Two objections could be raised against the above stated position. First, one could fault it on the ground that it ignores the historical context from which the postcolonial state and economy emerged and that it diminishes the achievements of the Indian economy. Second, one can argue that seeing the state as an institution that creates the conditions essential for capitalist development and no more would amount to taking an 'instrumental view' of the state (Byres, 1994:10). Or, one could critique it as a 'functionalist' perspective. Furthermore, one can maintain, with a modicum of justification, that the instrumental view leads to the twin traps of class reductionism and economic determinism.

Let us begin with the first question: given the debilitating legacy of colonialism, has the Indian economy performed well? It is undeniable that the postcolonial state inherited a decrepit economy ravaged by 200 years of imperialism. The *raison d'etre* of British imperialism was to siphon off the surplus of India to its coffers.[89] As a result, when Nehru's government assumed office, it faced the gargantuan task of not only starting from a scratch but also setting right the severe socio-economic anomalies that came in the wake of colonialism. The economy lacked vitality, unemployment was rampant, the economic infrastructure was ill-developed and all major institutions in the civil society notably education, bureaucracy, and the judiciary were beset by a colonial ethos that rendered them unfit for serving the needs of a nascent democracy. In sum, what was called for was nothing short of a thorough overhaul of the state, the economy, and civil society to bring them in tandem with the goal of building a new nation.

Compared to the magnitude of the challenges, the achievements of the Indian state, at least in the initial years, cannot be disputed. The growth of per capita national income from 1880 to 1947 was between 0 and 0.4 percent per capita at a compound annual rate while the corresponding rate for 1950-51 to 1990-91 was 1.7 percent (Ghosh, 1997:166). In four decades since 1950-51, India's GDP grew four-fold at an average annual rate of 3.7 percent (Vaidyanathan, 1995:27). The contribution of the manufacturing sector to India's GDP increased six-fold between 1951-55 and 1986-90 (ibid., 31). Equally noteworthy, industrial production has diversified considerably in the last five decades. Starting with just cotton and jute textiles, metals, cement, and engineering industries at the time of independence, the country now produces a vast array of consumer goods, industrial raw materials, heavy machinery and other manufacturing equipments (ibid., 32). Overall, in the last fifty years, India's total output, i.e. the GNP, has increased fivefold. According to Adams, in 1950, 360 million Indians produced goods and services worth US $ 50 billion; in 1995, 925 million Indians produced US $ 250 billion (1996:151). The other major accomplishment was attaining domestic self-sufficiency in food production.

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[89] The British ruled India for nearly two centuries from 1757 to 1947. During this period, they plundered the wealth of India and left its economy in shambles. The British systematically deindustrialized India by destroying the handicrafts and handloom industries. They also reorganized the agrarian sector and forced Indian peasants to grow cash crops such as cotton, indigo, and jute -- raw materials required by industries in Great Britain. Consequently, during the colonial period, more than 80 percent of Indian exports consisted of raw materials and food grains. Thus, for instance, between 1841 and 1891, the export of wheat from India increased by 4300 percent even though the area under wheat cultivation did not increase during this period. The commercialization of agriculture and the exorbitant revenues extracted from farmers by a parasitic class of feudal landlords patronized by the British, led to the pauperization of peasants and widespread famines. The major famines that occurred between 1866 and 1943 resulted in the death of more than 20.6 million people. In other spheres too, the intervention of the British was hardly benign. Though the British initiated the building of railways, irrigation works, post and telegraph, ports and so on, all these activities were meant to cater to the needs of British capital. For details of the impact of British imperialism on the Indian economy, see James, 1995:1-27. Rothermund (1988) provides a succinct overview of the economy of British India. For a more detailed study, see R. C. Dutt's classic two volume Economic History of India.

In some spheres of human development, the achievements, though slow, are still salient. The adult literacy rate, for example, has increased from 18 percent in 1950 to 51 percent in 1993 (Adams, 1996:156; Haq, 1997:33). The infant mortality rate has been reduced by half in the last 30 years and the crude death rate has been halved from 21 per thousand in 1960 to 10 per thousand in 1994 (Haq, 1997:33). Female enrolment in primary schools has increased considerably from 56 percent in 1970 to 90 percent in 1992 (ibid.).

Impressive though these statistics are, their significance diminishes when one contrasts them with the failures of the economy. The economy, as a whole, has grown, but how much of the growth has benefitted the most vulnerable sections? Moreover, what is the quality of the progress achieved? For example, though female enrolment in primary education has increased, the quality of primary education both in terms of the curriculum and the facilities provided, leaves much to be desired. Likewise, though the economy has expanded and offers more choices to the marginalized classes--chiefly the lower castes and the minorities--to participate and prosper in it, they lack the cultural and intellectual capital necessary for doing so. Sadly, the state's efforts in improving this situation have been grossly inadequate. The 1997 and 1998 Human Development Reports for South Asia underscore the utter neglect of human development in India. According to the 1998 report, 424 million Indian adults are still illiterate (Haq and Haq, 1998:48). India, thus, enjoys the dubious distinction of having the largest illiterate population of the world, their number exceeding the combined total populations of USA, Japan, and Canada. Furthermore, the 1997 report states that 135 million people do not have access to primary health care, 226 million are without safe drinking water, and 640 million do not have basic sanitation facilities (Haq, 1997:33). These are some revealing indices of the sub-human conditions under which nearly two thirds of the Indian population lives.

One might be tempted to attribute the poor performance of the economy solely to the ravages of colonialism. Thus, some economists patronized by the establishment argue that five decades is too short a period to set right the anomalies of two centuries of imperialism. This thesis is implausible because several smaller countries handicapped by problems somewhat similar to India's, though not of the same type or scale, have still managed to give better account of themselves.[90] Take, for instance, the per capita GDP growth rate. Till 1995, India's growth rate of 1.8 percent a year was much lower than that of several other countries such as Pakistan (2.5 percent), Indonesia (4.4 percent), Thailand (4.2 percent), Korea (7 percent) and China (5.1 percent) (Vaidyanathan, 1995:35). Similarly, in the area of human development also, several smaller postcolonial states are much ahead of India.[91] Evidently, to a large extent, the lacuna lies in the structure, policies, and goals of the Indian economy. More worrisome is the fact that the state's lopsided and myopic fiscal policies have enervated the economy so severely that it is not likely to recover in the immediate future. I wish to explain this point further in order to prove that the state is primarily involved in the dual tasks of accumulation and legitimation. But, before doing so, let me respond briefly to the objection that this position amounts to taking a 'functionalist view' of the state.

The state not only actively promotes capitalist development but also institutionalizes an ideology that justifies it. To fulfill its objective, the state uses the twin tools of persuasion and coercion. Accumulation, therefore, is only a part of the state's activity. In performing this task, the state has to deftly negotiate resistance from several quarters in the civil society which calls for the institutionalization of an integrative ideology. Thus, the state pursues its political and economic agenda on the cultural terrain as well. In this sense, it has greater functions than merely being an instrument of class rule.

THE POLITICAL ECONOMY OF DEVELOPMENT IN INDIA

In this section, I wish to review the political economy of development since independence. My main interest in doing so is to prove that what the Indian polity has experienced approximates the Gramscian notion of 'passive revolution.'[92] The Indian state has effectively concentrated its energies on furthering the interests of the dominant proprietary classes while initiating small doses of reforms to preempt demands for a fundamental social transformation. In this process, secularism has also become a casualty.

Although it is commonly assumed that after becoming free India could have started on a clean slate, this is simply not true. The national big bourgeoisie of India patronized the freedom movement during the colonial period, mainly because it wanted to become free from the domination of metropolitan capital and commodities and chart out an independent course for itself (Rai, 1992:9). Thus, from the beginning, development primarily meant creating the conditions necessary for the expansion of capitalism. The instrumentality of the state became inevitable in this process for a number of reasons.

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[90] The Human Development in South Asia 1998 report, which focuses on the theme of education, refers to the success of Zimbabwe in achieving universal primary enrolment in three years. In contrast, 35 million children in India are still out of school. Similarly, Sri Lanka's record of human development is much better than that of India. Its adult literacy rate is as high as 90 percent. India is way behind at just 52 percent. Overall, the 1994 Human Development Index of Sri Lanka was 0.711 while that of India was 0.446. For details, see Haq and Haq, 1998.

[91] According to UN Development Program, India spends a lower share of public expenditure on health and education than nine of the least developed countries, most of which have per capita income much lower than India's. For details, see Kothari, 1998:102.

[92] Kaviraj (1988) has provided an interesting critique of the passive revolution in India.

Two centuries of metropolitan hegemony had left the Indian economy in tatters. There was hardly any economic infrastructure to speak of. There was a severe shortage of capital, an educated, skilled work force, and the technological know-how necessary for augmenting productivity. It was not feasible for market forces to venture into less profitable, capital intensive areas such as the creation of infrastructure like the construction of roads and highways, power generation projects, telecommunications networks and so on. More importantly, there were disagreements within the ruling coalition comprising the landed aristocracy, industrial bourgeoisie, and the educated elites regarding the strategies of development. Hence, the state became indispensable not only to facilitate the emergence of industrial capitalism but also to mediate the differences within the dominant proprietary classes.

THE AGENDA OF THE EARLY YEARS: MODERNIZATION AND INDUSTRIALIZATION

The Indian state intervened in the economy and served as the primary agent of modernization. Inspired by the Soviet model, it introduced central planning for the optimum use of resources and to avoid sectoral imbalances. The other stated objective was to pursue economic growth and social justice. The state also emphasized economic self-reliance and set up an elaborate protectionist regime aimed at controlling the adverse impact of the global economy on the big bourgeoisie. With these goals, the Nehru government set up the National Planning Commission and unveiled the First Five Year Plan (1951-56).

Under the Five Year Plan, the state made huge investments in creating basic infrastructure such as the construction of hydro-electric dams, railways and roads, and industries in the public sector for the production of capital and intermediate goods. The emphasis, clearly, was on industrialization and modernization. To secure consensus for this strategy, the state made several compromises. Though the Plan document stressed the importance of tapping the potential of the rural sector and also incorporated land reforms as one of its goals, it ruled out radical redistributive measures. The state elites were united in their belief that expropriating the landlords or the agrarian oligarchy was not a proper solution to reduce economic inequalities. They felt that the redistribution of assets would hurt savings while the redistribution of incomes was futile because all there was distribute was the nation's poverty (Nayyar, 1998:3124; Vaidyanathan, 1995:20).

Whatever the merits of these arguments, the state had to take care of the vast constituency of the poor who were excluded from the economy or relegated to its margins. This task of accommodating the interests of the have-nots was urgent because, following the adoption of universal adult suffrage, they comprised the overwhelming majority of the electorate. Hence, the state took a series of measures aimed at winning the confidence of the subaltern castes and classes. To begin with, it gave party tickets, ministerial positions, and chairmanship of government bodies to their prominent leaders. It announced affirmative action policies for the dalits and aborigines. The state also chalked out a variety of community development programs and passed laws to create an infrastructure for the *panchayat* system -- a system of local self-government at the village level. The centerpiece of its initiatives, however, was the much-touted land reforms legislation and similar laws to abolish absentee landlordism, rural bondage, debt and the like.

These measures appeared to have convinced the lower classes of the bona fides of the state. Unfortunately, however, most of them were little more than cosmetic changes. They did not bring about the radical transformation the state had promised. The affirmative action policies, though laudable, were limited in their effectiveness because of the lopsided ways in which they were conceived and implemented.[93] For instance, the government declared that it would reserve seats in professional courses (such as engineering and medicine) for dalit and aboriginal students. It conveniently ignored the fact that the vast majority of the intended beneficiaries did not have access to even primary education. Hence, the question of their utilising the preferential policies did not arise. Most professional colleges dereserved these seats after a couple of years and reverted them to the general merit quota on the plea that the dalits and aborigines did not apply in sufficient numbers. A more or less similar situation obtained in the sphere of government employment. Lately, however, the situation has improved and a wafer thin section of the dalits and aborigines have benefitted from preferential policies.

In the area of land reforms, in spite of its impressive rhetoric, the state failed to bring about substantial changes. Several scholars have commented about the egregious loopholes in the land reform statutes and the role of the bureaucracy and the rural oligarchy in thwarting their implementation (Bhagavan, 1987; Frankel, 1971 and 1978; Ghosh, 1997; Ghouse, 1992; Nayyar, 1998; Rothermund, 1988; Vaidyanathan, 1995). Since I too have referred to the failure of the land reform program in an earlier chapter, I shall not go into its details, except to accentuate two important points. First, though not successful, the land reforms resulted in the abolition of absentee landlordism. Even this development did not mean much because, in several instances, the big landlords did not surrender the lands to the cultivators. Instead, for appearances sake, they themselves started cultivating the land. In reality, they employed share croppers and passed them off as 'partners' in farming (Rothermund, 1988:131-132). The net result was that instead of the big, semi-feudal landlords, a large number of rich peasants firmed their stranglehold on the agrarian economy. Second, these rich peasants became a powerful political force and they managed to circumvent the ceilings on landholding and attempts to reassess land revenues. Since the Congress depended on the rural elites for delivering votes, it did not increase land revenues or even dare to impose a tax on agricultural income. That no government so far has even considered taxing agricultural income should give us an inkling of the might of the rich peasants.

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[93] Till August 1990, the federal government provided the benefit of affirmative action only to the dalits and the aborigines. Some provinces in the south, however, extended it much earlier to the Other Backward Classes (i.e. the Shudras or the lower agrarian and artisan castes). Under this policy, the federal and provincial governments provide preferential treatment to these groups in the areas of higher education, government employment, and reserve seats in legislatures/Parliament. The idea is to compensate these disadvantaged communities for their social disabilities and bring them on par with the upper castes. In spite of being in vogue for several decades, affirmative action policies have not helped them much mainly because the upper castes have resisted and thwarted their empowerment. Thus, for instance, though the Brahmins constitute just 5 percent of the total population, they dominate the top positions in the administration, judiciary, and higher education. To wit, 72 percent of elite Indian Administrative Service bureaucrats, 56 percent of Supreme Court judges, 51 percent of Vice-Chancellors of universities, 50 percent of High Court judges, and 50 percent of all Governors were Brahmins till the early '90s (quoted in Desai, 1991:118). The continued domination of the upper castes proves that affirmative action policies have not benefitted the lower castes. For a critical analysis of India's affirmative action policies, see Desai, (1991), Parikh, (1997, ch. 6 and 7), and Jalali, (1993).

All told, in the early years of independence, the industrial bourgeoisie and the landed aristocracy managed to protect their own turfs through an elaborate strategy that ensured that they both got a 'fair share' of the economic pie. They also rehabilitated the upper caste/class educated elites by giving them a disproportionately high degree of control over the bureaucracy in the form of government jobs and access to higher education. As for the poor, the governing elites convinced them that the new reforms would eventually pay off and improve their conditions.

A combination of factors conspired to maintain a steady equilibrium of class forces in the early years. If any segment could have entertained misgivings about the blueprint of development, it was that of the poor and the marginalized. They acquiesced in the strategy of the ruling elites because, as the party that led the anti-imperialist struggle, the Congress (in those days) enjoyed a great deal of legitimacy. Also, the lower castes and classes, being illiterate and disorganized, did not have the opportunity structures to oppose the strategy of the Congress. Thus began the trajectory of development in free India. It aspired to attain economic strength thorough the twin engines of industrialization and modernization.

Conceived on a modest scale, the First Five Year Plan (1951-56) with its emphasis on heavy industries and infrastructure was a success. Its target was to increase the national income by 11 percent and it exceeded its goal by registering an increase of 18 percent (Rothermund, 1988:133). The annual production of goods and services increased from US $ 18 to 20 billion (Abadi, 1993:15-16). Buoyed by its results, the government launched the Second Five Year Plan (1956-61) with continued stress on developing an indigenous heavy industry sector and achieving economic self-reliance. The economy grew significantly during the Plan period. From 65 million tons in 1956, the production of food grains climbed to 80 million tons (Abadi, 1993:17). Likewise, the production of iron increased from 4 million tons in 1956 to 11 million in 1961 and coal production grew from 38 million tons to 54 million tons (ibid.).

During the Third Five Year Plan (1961-66), the ruling elites renewed their commitment to building a strong public sector that would provide the wherewithal for rapid industrialization. Hence, they invested a colossal sum of Rs. 86 billion in the public sector, far in excess of their original plan of spending Rs. 75 billion (Rothermund, 1988:135). During the first three Plans, the economy was not entirely free from problems. In fact, by the end of the First Plan, there were severe food shortages due to the failure of monsoon. India had to rely on American aid to tide over its food shortages. Also, during the late '50s, the economy had to deal with an acute foreign exchange crisis because of a slump in exports and a concomitant rise in imports. But there were more troubling issues that the ruling elites had refused to tackle.

The fruits of economic growth during the three Five Year Plans almost completely bypassed the vast sections of the poor, particularly in the rural hinterlands, because the state did precious little to provide them with permanent assets, entitlements, and skills. The state's neglect created a situation in which the lower castes and classes were not only economically poor but also 'capability poor,' meaning, save their raw labour power, they did not have any skill that they could use for gainful employment. Not surprisingly, therefore, the incidence of poverty worsened during the mid 1960s.

Around this time, the nation had to face a severe drought and a war with Pakistan (1965). These factors also cast their baleful influence on the industrial sector which, weakened by years of stagnation, went into a recession. Consequently, both national savings and investments plummeted. The slump in the industrial sector was only to be expected because the per-capita income of the masses in general did not register any significant increase. During the '60s, rural incomes did not increase by more than 0.5 percent per year (Rothermund, 1988:136). Thus, spending activity was restricted to the urban elites and the rich peasants. Sections of industry such as those involved in the manufacture of consumption goods were hard hit.

A related, though less serious, drawback of early development was the neglect of the agrarian sector. In the course of the three Five Year Plans, the state invested a total of Rs. 163 billion rupees of which only Rs. 19 billion was allotted to agriculture (Rothermund, 1988:135). Consequently, its contribution to the Net Domestic Product (NDP) grew at an annual rate of 2.4 percent while other areas like manufacturing industry (7 percent), transport (7 percent), and electricity (13 percent) grew at a much higher rate (Bhagavan, 1987:61). Perhaps the logic behind minimizing the importance of agriculture was that it was in the private sector and that it did not yield any revenues. But considering that nearly three fourths of the population depended on agriculture at that time, sluggish growth in this vital sector seriously hurt the interests of those involved in the rural economy.

Ignoring the agrarian sector had grave political consequences for the ruling Congress. On the one hand, a powerful section of rich farmers who earlier displaced the semi-feudal landlords were clamouring for a greater share of the economic spoils. These farmers cultivated their lands employing wage labour and had earned handsome profits. They had benefitted from the land reforms, rural co-operatives, community development programs, and the system of local self-government. Now they were upset with the state for giving a short shrift to the agrarian sector. On the other, the poor, including both the landless labourers in the rural economy and the urban proletariat, were alienated from the ruling Congress as the economic downturn imposed unbearable burdens on them.

The long-term significance of the eclipse of the Congress was that the consensus it had secured earlier for its economic agenda was no longer valid. The rich peasant lobby had to be appeased in order to arrest the decline of the Congress. But doing so was inherently fraught with risks because the vast numbers of the poor and unemployed were also restless. More worrisome, they had realized the significance of their voting power and were willing to use it effectively to protect their interests. On top of all this, the industrial bourgeoisie was agitated that the slowing down of agriculture would ultimately affect the industrial sector by forcing the state to import food grains.

THE GREEN REVOLUTION AND ITS CONSEQUENCES

The response of the state to these challenges tellingly revealed the mainstay of its political agenda, viz. securing the interests of the dominant proprietary classes. Its immediate tasks were to win back the rich peasants and to appease the vocal sections of the subaltern classes. Hence, the state unveiled an Intensive Agricultural Areas Program (I.A.A.P.) under which it selected 114 out of 325 districts in the nation where it provided cultivators a 'package of practices' in order to augment the yields. This package included credit, modern inputs, high yielding variety seeds, technical know-how, and marketing facilities (Frankel, 1971:5). During the Fourth Five Year Plan (1969-74), the state proposed to extend this 'new strategy' which it called 'High Yielding Varieties Program' to cover approximately 60,000,000 acres and it included crops such as wheat, rice, maize, jowar and so on (ibid., 6). It is significant to note that this area represented less than 30 percent of the total acreage under these crops.

The new strategy, popularly known as the 'Green Revolution'[94] was successful in its immediate object of achieving 'self-sufficiency' in food production. Agricultural output increased by 5.1 percent in 1969-70 and 5.3 percent in 1970-71 as compared to 1968-69 (Choudhry and Medhora, 1994:16). Overall, the production of food grains shot up from 94 million tons in 1968-69 to 107.8 million tons in 1970-71 (ibid). In particular, the production of wheat rose from 11 million tons in 1960-61 to 23.8 million tons in 1970-71 and that of rice from 34.6 to 42.2 million tons during the same period (Bhagavan, 1987:62). These impressive figures should not blind us to the steep political and economic costs that Indians had to pay in the long term. I shall discuss the down side of the 'Green Revolution' momentarily. Before doing so, I would like to dwell briefly on the state's initiatives to tackle growing poverty and unemployment.

To contain the mounting dissatisfaction among the subaltern classes, the Congress, under Mrs. Gandhi's leadership undertook three tasks none of which helped them particularly. First, as we saw earlier, Mrs. Gandhi announced a series of 'progressive' measures such as the nationalization of private banks and insurance companies, the abolition of privy purses to former princely rulers, and the establishment of a Monopolies and Restrictive Trade Practices Commission ostensibly to prevent the concentration of wealth in the hands of a few. Second, the Congress unveiled a series of anti-poverty programs aimed at providing relief to the desperately poor.[95] Third, it adopted the rhetoric of socialism and fought the 1971 election on the slogan 'remove poverty.' The rhetoric and the symbolic measures helped to establish the pro-poor credentials of the governing elites. But they provided little concrete relief to those in absolute poverty.

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[94] There is a rich literature on the accomplishments and failures of the Green Revolution and its political and economic costs. Prominent among those who have analyzed the political economy of the Green Revolution and its socio-economic consequences are Byres *et al.* (1983) Dasgupta (1977), Dhanagare (1987), Frankel (1971), and Shiva (1991). I have based much of my analysis on their findings.

Though seemingly progressive, all that the nationalization of banks accomplished was to provide job security to the middle class/upper caste employees of the banks.[96] As we saw in an earlier chapter, the Congress decision to nationalize banks was the upshot of a power struggle within the party, aimed at making a statement about its pro-poor commitment. It did not betoken any genuine commitment to socialism. Similarly, the anti-poverty measures were not effective in removing poverty or providing jobs for the unemployed (Bhargava, 1988:66; Paul and Subramaian, 1983). They tackled the symptoms of poverty, not its underlying causes. They were more in the nature of temporary doles rather than permanent assets that would prevent the recurrence of penury. Nevertheless, at least for the time being, the state succeeded in staving off the challenge of the lower classes. The Congress handsomely won the 1971 general elections. Soon after, the rich peasants returned to the party fold.

The state not only shortchanged the poor but also gave a raw deal to the peasants, except for the small section of rich farmers. The much-publicized benefits of the Green Revolution did not mean much to the majority of small cultivators, landless labourers, and share croppers (Byres *et al.* 1983:38-42). It did not succeed in putting enough food on the tables of lay individuals in both rural and urban areas.[97] Otherwise, there would not be 62 million malnourished children under the age of five (Haq, 1997:33). Also, we would be spared the cruel paradox where, on the one hand, the country's food buffers are overflowing with food grains, and, on the other, the bottom 40 percent of the population is malnourished.

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[95] In the early 1970s, the Congress led federal government announced five major poverty alleviation programs and three provinces initiated three more such programs. The federal anti-poverty programs were: 1. Small Farmers Development Agency 2. Marginal Farmers and Agricultural Labourers Program 3. Drought Prone Area Program 4. Crash Scheme for Rural Employment 5. Food for Work program. The province of Rajasthan started *Antyodaya* (lit. the upliftment of the downtrodden), Maharashtra, the Employment Guarantee Scheme, and West Bengal, Operation Bagra (a program for enumerating and providing assistance to share croppers. Both the federal and provincial governments increased plan allocations for ameliorating the 'weaker sections.' Their projects were specifically meant to help the rural poor -- landless agricultural workers, share croppers, small and marginal farmers, and artisans -- who did not benefit from economic development since independence and from mega projects like the Green Revolution. The poverty alleviation programs aimed at starting community based projects that would generate income and provide employment to the target groups. For a variety of reasons including improper conception, perfunctory implementation, widespread defalcation, lack of inputs from the intended beneficiaries and so on, they were not successful. Except for a small cross section, the majority of the rural poor remained mired in destitution. For a critical appraisal of the programs and their details, see Paul and Subramanian, 1983.

[96] In spite of being saddled with a bloated bureaucracy, the Indian state has never laid off its employees fearing that the strong lobby of educated elites would retaliate politically. Hence, a government job is much sought after as it affords security of tenure till superannuation. When the government took over the banks, the upper caste/middle class educated elites who were employed in banks benefitted the most.

Evidently, the state, on purpose, has ignored the vital fact that as crucial as increasing food production is the need to ensure its fair distribution. Apparently, to facilitate the proper disbursement of essential food grains, the state follows a dual pricing system under which all essential commodities are sold at subsidized prices through the Public Distribution System (PDS). In reality, however, corruption, gross mismanagement, inefficiency and the like plague the PDS. Besides, of course, the poor have little purchasing power to avail the concessional rates of the PDS. Thus, even now, only two percent of the poor in rural areas of Bihar, Orissa, Utter Pradesh, and Punjab manage to get their ration quotas from the PDS, while in the urban areas, in eight provinces, less than ten percent manage to do so (Swaminathan, 1996). Equally shocking is the fact that 88 percent of the intended beneficiaries claimed that they did not get the food supplies when they needed them (ibid.).

The limited success of the Green Revolution should not come as a surprise if we recognize that the state initiated the program mainly in deference to the insistent demands of the rich farmers and the industrial bourgeoisie. The latter wanted to ensure that the state would not be forced to spend scarce foreign exchange on importing food grains because such a step would inevitably curtail the import of materials and machinery required for industrial development (Dasgupta, 1977:257). Besides, the industrial elites wanted to ensure that the working class had easy access to food at cheap rates, as otherwise they could agitate for higher wages. The state, too, wanted to augment the production of food grains because it feared a backlash from the poor. Given these pressures, the state had to devise a strategy of attaining self-sufficiency in food production without reorganizing the existing property relations. It opted for the Green Revolution as an easy way out.

The entire High Yield Variety program was a misguided step because it was essentially a short cut to what was inevitably an arduous task, namely, reorganizing the entire agriculture sector on modern, efficient, productive, and equitable lines. It benefitted barely half a dozen provinces (excluding the nine union territories) out of 22 in the 1970s (Bhagavan, 1987:65). Many scholars have analyzed the socio-economic, political, and cultural disruptions that came in the wake of the Green Revolution. That it created far more problems than it intended to solve becomes abundantly clear when one considers the following facts.

First, the gains of the Green Revolution and the technology of developing new varieties of paddy and wheat seeds were restricted to the rich peasants (Byres *et al.* 1983:40;

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[97] Vaidyanathan quotes the report of an expert committee on poverty estimates appointed by the Planning Commission in 1993 according to which roughly 66 percent of the rural and 57 percent of the urban population do not consume even 2250 kilocalories per head per day. For details, see Vaidyanathan, 1995:41.

Dasgupta, 1977:255; Dhanagare, 1987:AN-139; Frankel, 1971:191-92; Shiva, 1991:176-177). It concentrated exclusively on tapping the potential of the best farming regions by providing superior inputs to the affluent cultivators who owned them. Evidently, therefore, the Green Revolution exacerbated the inequalities in the rural economy. According to Frankel, following the Green Revolution:

> ...the bottom 20 percent of all farmers, i.e., those with holdings of 10 acres or less, have experienced a serious relative deterioration in their economic position for want of sufficient capital to invest in indivisible inputs (especially minor irrigation works) necessary for the profitable adoption of the new techniques (1971:192).

Second, the concentration of inputs in selected regions and the strong emphasis on boosting the production of wheat and paddy resulted in serious problems elsewhere, aside from lessening the production of other essential crops like oilseeds and pulses. Thus, though Punjab produced wheat and paddy in surplus, it could not derive much profit from them because elsewhere in rural India, people lacked the purchasing power to buy food grains (Shiva, 1991:181). Besides, the production in the 70 percent agricultural lands not covered under the Green Revolution diminished considerably due to lack of proper inputs (ibid). The net result was the pauperization of peasants and landless labourers in these regions. The Green Revolution, thus, deepened the fissures within rural communities and destroyed traditional agrarian ties.

Third, the strategy adopted by the Green Revolution could not be sustained for long because it involved higher cultivation costs. The federal government could not have continued to pump in huge amounts of inputs without further disrupting the agrarian economy. Left to fend for themselves, even well-to-do farmers in Punjab and other regions had to incur debts to provide inputs necessary for maintaining the high level of production. The upshot was that the High Yielding Variety strategy dislocated the earlier, cost-efficient economics of cultivation. Soon enough, farmers in Punjab discovered that their returns on wheat cultivation were diminishing. According to Shiva, in 1971-72, their returns dropped to less than two percent of their investment (1991:174). Thus, the initial prosperity of the Green Revolution led to severe disappointment among the well-to-do farmers.

Fourth, the Green Revolution hastened the economic polarization of the rural economy and engendered agrarian conflicts. A small minority of rich peasants who could afford the high cost of inputs continued to reap the benefits of the High Yielding Variety strategy. Consequently, between 1970 and 1980, a majority of the small holdings in Punjab and elsewhere disappeared because they were no longer economically viable and the total number of operational holdings in Punjab decreased by 25 percent within a decade (Shiva, 1991:177). In a short span of time, most small peasants and cultivators were debt-ridden and marginalized. The precipitous erosion of their socio-economic status created serious unrest. It was one of the chief factors that contributed to the regional movement in Punjab.

Finally, one of the far-reaching consequences of the Green Revolution was that it led to excessive centralization and homogenization. It was based on a top-down approach and it ignored the diversity in the agricultural practices of different regions. The Green Revolution strategy could not have succeeded because it was an ad-hoc, technocratic response to one of the most intractable problems of India, viz., the appalling social-economic inequalities in the rural areas stemming from differential land holdings. Through its hasty and ill-conceived intervention and its subsequent attempts to disengage itself, the state created a great deal of resentment and anti-government feelings, particularly in Punjab. Instead of dealing with the causes underlying the grievances, the state communalized the problem and worsened it.

THE INDIAN ECONOMY DURING THE EMERGENCY

In the early '70s, the hopes conjured by the 'remove poverty' slogan of Mrs. Gandhi and the euphoria over India's triumph in the war with Pakistan in 1972 could not masquerade for long the deep-rooted tensions in the economy. Before the country recovered from the financial costs of the war, the surge in oil prices in the international market in 1973 hiked India's import bill considerably. The whole economy went into a tailspin. As Bhargava and Balachandran point out, the rate of growth of national income in constant prices was 2.14 percent per year from 1970-71 to 1974-75 (1977:50). In the intervening years, particularly in 1972-73, the national income in constant prices decreased by 1.5 percent, agricultural production declined by 8.0 percent, and food grains production declined by 7.7 percent (ibid.). Furthermore, for the first time since independence, in 1973-74 industrial production declined by 0.2 percent and wholesale prices shot up by 22.7 percent (ibid.). Together, these factors hurt the economy immensely and left the state with little room to manoeuvre.

Around the mid '70s, the first signs of the changes brought by the Green Revolution and the earlier agrarian reforms became noticeable. Though spotty in implementation, the abolition of absentee landlords and the land-to-the-tiller scheme resulted in the crystallization of a land owning middle peasantry mainly belonging to the intermediate castes, or to the Other Backward Classes, in official jargon (Bhagavan, 1987:65; Frankel, 1988: 253). Along with the rich peasants, they too had benefitted from the Green Revolution. Though comprising just ten percent of the rural population, they were quite influential, more so when they joined the rich peasants in demanding a better deal for the agrarian sector. The significance of their assertion was that they were no longer content with supporting the Congress in exchange for patronage. They wanted to seek greater opportunities and a bigger say, particularly vis-a-vis the industrial big bourgeoisie, in defining the contours of the economy. To fulfill their goal, they were willing to support parties other than the Congress.

The overwhelming majority of the intermediate peasantry comprised the Shudras, the menial castes in the *varna* model. Their representation in the upper caste/class dominated bureaucracy and in the professions was limited. Unlike the Brahmins and the Banias (the mercantile caste) the Shudras did not have the intellectual and cultural capital to qualify for positions in the bureaucracy. Unfortunately, since the social disabilities they suffered were not as severe as that of the former untouchables, they were not given the benefit of affirmative action policies. Hence, aside from their agrarian demands that included electricity, irrigation, fertilizers, and seeds at subsidized prices, they also started agitating for reservations in government jobs.

As we saw in the earlier chapters, a coalition of centrist, agrarian, and Hindu nationalist forces comprising the rich and middle peasantry, the minorities and subaltern castes, the urban proletariat, and the unemployed joined hands to collectively challenge the might of the Congress. Mrs. Gandhi's authoritarian response, the Emergency, did not solve the nation's problems.

The Emergency is often remembered just as a dark phase of Indian democracy during which the government stifled dissent, curtailed civil liberties, and clamped down protests of the peasants and the working class. Not many realize that under the cover of the Emergency, the state inaugurated a new strategy of development and undertook a series of economic measures to further the interests of the dominant proprietary classes. For instance, during the Emergency (1975-76), agricultural production grew resulting in an increase in the buffer stock of food grains from 2.8 million tons in February, 1975 to 18 million tons in October, 1976. Surprisingly, however, this increase did not lead to a higher per capita consumption. According to Bhargava and Balachandran, the per capita availability of food grains per person per day in 1976 was roughly 430 grams which was lower than what it had been since 1956 when it was 431 grams per capita per person (1977:52). Likewise, the consumption of sugar, edible oils, and textiles also decreased. In the case of sugar, instead of distributing it among Indian consumers, the state allowed its export to take advantage of higher prices in the international market (ibid.). All told, the poor did not benefit from the increased agricultural output because the state wilfully abdicated its responsibility to ensure fair distribution.

One of the reasons why the state exported sugar ignoring domestic demand was that it wanted to boost the foreign exchange reserve. Toward this end it took two other steps whose costs the poor had to bear in the years to come. First, it sold products of public sector industries such as iron and steel in the international market at cheap prices (Bhargava and Balachandran, 1977:52). Second, it tried to attract the investments of Non-Resident Indians by offering them higher rates of interest instead of opting for more economical ways of raising funds in the international market (ibid.). Both measures helped the upper castes and classes at the expense of the poor. To begin with, the state was keen on shoring up the foreign exchange reserve mainly because the industrial big bourgeoisie required foreign exchange to import goods necessary for industrial production. In this process, it also helped the Non-Resident Indians--who overwhelmingly belong to the upper castes and classes--by offering them fabulous rates of interest.

Serious though they were, the elitist policies of the state appear almost benign when seen in the background of the fundamental shift in development policies it introduced during the Emergency. The failure of the Green Revolution and the rising demands of the subaltern classes forced the state to rethink its options. Hemmed in by opposing forces, the state decided to jettison its earlier policies of economic self-reliance, import substitution, and egalitarian all-round development. Instead, it opted for a prescription of the international lending agencies, viz., pursuing economic growth through industrial expansion and export promotion. To fulfill this objective, the state decided to accord importance and incentives to the private sector and to foreign investors. It redefined its role as one of maintaining law and order, protecting private property, and ensuring that the working class and the dispossessed did not obstruct the process of economic growth. The assumption, of course, was that rapid growth would eventually benefit all the segments of society. Since several countries, notably Brazil and the East Asian 'tigers,' had posted higher growth rates by adopting this policy, the Indian state felt confident that it too would succeed.

The Indian context, however, was quite different from that of other nations. The new strategy of the state alarmed the entire agrarian sector. Given the deteriorating socio-economic conditions, lawlessness, and restrictions on personal freedoms, the popular mood asserted itself strongly against the new policy. The Congress suffered heavy reverses in the 1977 elections.

A NEW STRATEGY FOR DEVELOPMENT : THE EMERGENCE OF NEO-LIBERALISM

In spite of the excesses of the Emergency, Mrs. Gandhi's Congress returned to power because the industrial and agrarian elites could not turn to any other institution to resolve their disputes. During her last term in office, Mrs. Gandhi introduced neo-liberal fiscal policies, in keeping with global trends. She laid the foundation for two major trends in the economy that altered the entire course of development. First, as I mentioned earlier, she decided to augment industrial production by introducing far-reaching changes such as promoting export expansion, curtailing the state's role in the public sector, and providing impetus to the private sector through tax concessions and allowing foreign collaborations. Second, anticipating opposition to the new shift in economy policy, she realized that the easiest, if most myopic, way of neutralizing dissent was to resort to the politics of subsidies, patronage, and populism.

In keeping with this policy, the federal government generously indulged the demands of all articulate and assertive groups in the form of a variety of overt and covert subsidies (Nayyar, 1998:3126; Vaidyanathan, 1995:43). Thus, the agrarian lobby wangled subsidies for fertilizers, electricity, irrigation, and other farm inputs.[98] The industrial bourgeoisie got subsidies for exports, raw materials like coal and steel, power and so on. Besides, there were hidden subsidies in the form of under priced goods and services such as surface transport and items produced in public sector industries. They were aimed at placating the urban middle classes.

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[98] The state subsidizes agriculture in two ways: paying a higher remunerative price for agricultural products than what a farmer can get in the free market; and, providing inputs such as electricity, fertilisers, seeds, rural credit, and so on below the market prices. Gulati and Sharma (1995) have calculated the quantum of agricultural subsidies using two types of estimates: The first took into account subsidies incurred on working expenses only while the second considered subsidies incurred on working expenses plus capital outlay at historical prices. They state that according to the first estimate, input subsidies constituted around 52.56 percent of the total expenditure incurred on agriculture during 1982-83 while during 1992-93, they stood at 131.07 percent, way above the total expenditure incurred on agriculture. Under the second estimate, input subsidies constituted an even higher percentage of 90.23 during 1982-83 and 164.02 percent during 1992-93. The staggering rise in input subsidies are significant for two reasons. First, they caused fiscal imbalance. Second, though the state spent huge

A major bonanza for both the industrial and agrarian elites was the easy availability of huge loans (Nayyar, 1998:3126). Public sector banks financed several major private ventures and in the agrarian sector, peasants availed co-operative credits. Interestingly, in both instances, the debtors often never cared to return the loans. After a while, under political pressure, the banks and the rural co-operatives waived them without much ado. What is more, most Congress governments at the provincial level wrote off even the electricity and irrigation charges owed by the powerful agrarian lobby. The state also took good care of the educated professional elites and bureaucrats by implementing sumptuous pay hikes recommended by the Fourth Pay Commission. Thus, bureaucrats in both the federal and the provincial governments got higher wages and decent amounts as arrears since the state implemented the salary hike with retrospective effect. The poor, as in the past, got more anti-poverty programs,[99] and, as an added bonus, the state ordered banks to disburse a large number of loans even if the loaner did not have a clear plan for investing it and/or did not have the ability to repay the loan amount. The Congress distributed these loans in massive public functions in order to make a statement about its commitment to the welfare of the poor. The subsidies and the underpriced/unrecovered services imposed an unbearable burden

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sums on subsidies, it did not simultaneously restructure agriculture or provide permanent assets to marginal farmers. On the contrary, the subsidies precluded productive investments in agriculture and created environmental degradation. The net result was that the subsidies did not provide lasting benefits to small peasants for whom, ostensibly, the monies were spent. Also, the rise in subsidies led to a stagnation of investment in agriculture throughout the 1980s and in the early years of 1990s. For details regarding the economics of agricultural subsidies and their consequences, see Gulati and Sharma, 1995.

[99] The federal government, in conjunction with the provincial governments, announced several 'new' anti-poverty schemes. Most of them, however, were old schemes rehashed and presented under new names. Thus, the federal government extended the former *Antyodaya* scheme -- conceived originally by the Rajasthan government -- as the Integrated Rural Development Program (IRDP), a credit subsidy program for the rural poor. Similarly, a National Rural Employment Program (NREP) replaced the earlier Food for Work scheme. In addition, the government launched some new programs like the Rural Landless Employment Guarantee Program (RLEGP) and the Jawahar Rozgar Yojana (Jawahar Employment Scheme). Several scholarly studies on the effectiveness of these programs are unanimous in their conclusion that they failed to provide relief to the rural poor. These studies have pointed out the following lacunae in the poverty alleviation programs. First, the beneficiaries were incorrectly identified to the extent of 15 to 20 percent at the all India level though the percentage ranged from 47 to 70 percent in different provinces. Second, the schemes and programs chosen for the beneficiaries did not take into account their specific problems, differential abilities, varying levels of infrastructural support and so on. Third, the programmes were implemented in a bureaucratic fashion and they lacked accountability. Officials were more interested in how much money was spent, not how well it was spent. Fourth, even if they were implemented in a conscientious manner, they would not succeed in removing rural poverty because they were riddled with conceptual problems. All told, the welfare measures for the weaker sections were meant to benefit the poor only to the extent that they did not impinge upon the privileges and socio-economic interests of the rich. For detailed analysis of the aforementioned points, see Bagchee (1987), Dreze (1990), Gaiha and Kulkarni (1998), Kurian (1989) and Swaminathan (1990).

on the tottering economy. The total unrecovered costs of both the federal and provincial governments in 1987-88 amounted to approximately Rs. 420 billion[100] (Mundle and Rao, 1991).

Despite increasing public expenditure on subsidies, populist programs, and patronage, Mrs. Gandhi's government failed to secure a consensus on economic restructuring. The policies of liberalization did not get off the ground as the state was engulfed by a severe legitimacy crisis due to the rise of secessionist movements in Punjab and Assam. The economy too came under a severe strain as both the industrial and agrarian sectors continued to be sluggish. After he became the Prime Minister in 1985, Rajiv Gandhi carried forward Mrs. Gandhi's unrealized goal of pursuing higher economic growth through industrial expansion. A related objective was to accord a bigger role for the private sector in achieving industrial development. Hence, in the federal budget of 1985, the government announced drastic economic reforms whose salient feature was the liberalization of the economy, i.e., dismantling government regulations on a variety of economic activities. Thus began what the Rajiv administration called a program of 'economic liberalization.'

Under the new policy, the state abolished industrial licensing for about half of all industrial production. It also slashed duties on the import of capital goods and relaxed the regulations guiding the import of new technologies. Private investors and companies received support from the state in the form of subsidies, tax concessions, and waiver of several regulations that stifled their growth in the earlier years. The government wooed foreign investors by increasing the quantum of foreign equity holdings in Indian companies. It also set up export processing zones in order to obviate bureaucratic delays and waived duties and taxes for export commodities. Simultaneously, the state also declared its intention to disinvest from public sector industries, particularly those that were incurring losses recurrently. It invited the private sector to take over these units and offered loans and incentives to facilitate this process.

Whatever its negative effects, the liberalization drive, indubitably, injected a measure of dynamism in an otherwise languid economy. Overall, from the mid '80s, the economy registered an impressive degree of growth that was hitherto possible only in the realm of fantasy. The national income soared at a rate of more than 5 percent per annum and the per capita income multiplied at a rate of more than 3 percent per annum (Nayyar, 1998:3126). Industrial investment increased over 40 percent as did public consumption expenditure. The consumer durable sector alone expanded between 8 and 22 percent per annum during this period to cater to the affluent ten percent of the population who constituted about 75 to 85 million wealthy consumers (Kurien, 1994:95). Overall, the industrial sector grew by over 8 percent per annum (ibid.). Similarly, export earnings climbed by approximately 25 percent between 1987-88 and 1989-90 from US $ 16.2 billion to US $ 20.9 billion (Choudhry, 1994:31). The state did not ignore the poor either. As a result of the poverty alleviation programs, the proportion of the population living below the poverty line fell from 51.3 percent in 1977-78 to 38.9 percent in 1987-88 (Planning Commission, 1993 quoted in Nayyar, 1998:3126). For a while, it seemed as if neoliberalism had succeeded in extricating India out of the morass of stagnation.

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[100] Mundle and Rao provide a detailed sector and region wise analysis of the quantum of different subsidies and their beneficiaries. According to their estimate, in 1987-88 the actual volume of subsidies amounted to Rs. 42,324 crore or around 15 percent of India's GDP. (One crore equals ten million.) Two of their conclusions are significant. First, the bulk of the subsidies are invisible and the 1987-88 budget document explicitly mentions only Rs. 5,982 crores as the amount set aside for subsidies. Second, they argue that the subsidies are inequitably distributed and do not reach the intended beneficiaries, particularly those meant for the disadvantaged sections. For details, see Mundle and Rao, 1991.

Even before the euphoria over the 'triumph' of neoliberalism subsided, the actual cost of the accelerated growth began to become apparent. By the end of the decade, it dawned on the planners that the heightened economic activity of the 1980s was possible only because the federal government had injected huge sums of money into it. Its implication was that during the '80s, both public expenditure and fiscal deficits ballooned to disturbing levels. According to Kurien, the total expenditure of the federal government which amounted to about Rs. 17,800 crores in 1979-80 mounted to Rs. 22,000 crores in 1980-81 and, thereafter, to a mind-boggling Rs. 82,000 crores in 1989-90 (1994:96). Concomitantly, the fiscal deficit also skyrocketed during the latter half of the 1980s and reached a record 9 percent of the GDP in 1986-87 (ibid.). On average, the fiscal deficit was 8.2 percent of the GDP during the latter half of the 1980s which was much higher than the 6.3 percent during the first half of the 1980s and 4 percent during the mid 1970s (*Economic Survey*, Ministry of Finance, 1991-92 quoted in Nayyar, 1993:640). These developments raise two important questions: why did public expenditure reach unmanageable proportions; and, where did the money to finance it come from?

Public expenditure swelled during the 1980s mainly because the federal government liberalized imports, disbursed colossal sums as subsidies, and reduced corporate and personal taxes. The liberalization of imports was necessary to sustain high levels of industrial production. Hence, to maintain the flow of imports, the state resorted to short term commercial borrowing at high rates of interest. Consequently, the external debt of India assumed huge proportions. Let me explain these developments in some detail.

During the Seventh Five Year Plan period (1985-90), when the Rajiv administration relaxed the import licensing regulations, the number of import items under the Open General Licence shot up by 140 percent from 534 items in 1978-79 to 1274 items in 1991 (Choudhry, 1994:31). The relaxed import policy drained the foreign exchange reserves considerably. Simultaneously, high levels of public consumption expenditure on salaries, subsidies, populist programs and the like led to increase in private consumption but a decline in public savings. Also, as we saw in an earlier chapter, the Rajiv administration spent roughly about Cdn $ 10 billion on armaments between 1985 and 1989. As a result of such profligacy, the revenue deficit burgeoned considerably. To complicate matters, the state had reduced corporate and individual income tax, abolished capital gains tax, wealth tax, and death duties on inherited estates, as part of its liberalization program, ostensibly to boost economic growth (Bhagavan, 1987:73).

Faced with a widening chasm between its declining revenues and spiralling expenditure, the state had three options for dealing with its revenue deficits. It could have raised direct or indirect taxes, resorted to deficit financing, or borrowed from external and internal sources. Of these, mopping up finances through direct taxes was never an option because the state did not wish to antagonize either the industrial elites or the rural oligarchy. Hiking indirect taxes was not possible because the state had already availed of it several times in the past and stretched it to its limits.[101] Besides, it feared that the lower classes would revolt if they were further hit by inflation as a result of indirect taxes. Deficit financing could not have helped to tide over the acute depletion of foreign exchange reserves. Hence, the only, non-controversial, soft option available to the state was public borrowing.

In 1981, the state had approached the IMF for a huge loan of US $ 5 billion which was to be disbursed over a period of three years. Under this arrangement, it availed of loans to the tune of US $ 3.9 billion and later terminated it. Having exhausted the IMF option, by the end of the 1980s, the state resorted to short-term commercial borrowing at high rates of interest. The average interest rate increased from 2.4 percent in 1980 to 6.1 percent in 1982 (Kurien, 1994:96). Unmindful, the state borrowed from other external sources enlarging its debt burden from US $ 18.7 billion in 1980-- roughly 10.8 percent of India's GNP at that time--to US $ 21.5 billion in 1989 which amounted to 21.5 percent of its GNP (ibid., p. 97). Similarly, its debts to private creditors increased from US $ 2.3 billion in 1980 to US $ 22.8 billion in 1989 (Jalan, 1991:101-102). Inevitably, interest payments exacted a big chunk of the nation's resources. They increased from 2 percent of the GDP and 10 percent of the total federal government's expenditure in 1980-81 to 4 percent of the GDP and 20 percent of the federal government's expenditure (quoted in Nayyar, 1993:640).

Before we proceed further, I wish to accentuate the following facts. First, the state got into a debt trap solely through its improvident fiscal management and also because it was determined to pursue export driven growth as desired by the big industrial bourgeoisie. Second, having got into a serious fiscal deficit, the state had two prudent choices to deal with it: direct taxation and reducing wasteful public expenditure (Rai, 1992:27). If the state had the political will, it could have raised the necessary funds to tide over the fiscal crisis. It is common knowledge that tax evasion,[102] export under-invoicing and import over-invoicing, large-scale corruption, unaccounted transactions and the like have generated a thriving, parallel, underground black economy which, according to estimates of various agencies like the IMF, the National Planning Commission, and the National Institute of Public Finance and Policy, is as high as 50 percent of India's GNP[103] (James, 1995:126). Furthermore, extravagant public spending on security for politicians, the opulent lifestyles of elected officials, and useless foreign junkets, to mention just a few, has also depleted the public exchequer. The state could have raised enough resources by plugging these loopholes. But it did not even consider these options. This fact proves the vice-like grip of the dominant proprietary classes on the state apparatus.

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[101] In 1950-51, the ratio of the direct tax to GDP by level of government was 2.42. In 1985-86, the ratio went up to just 2.57. In contrast, in 1950-51, the ratio of indirect tax to GDP by level of government was 4.14. By 1985-86, it rose to 15.19. From these figures, it is clear that the state has hardly increased direct taxes which affect the rich, upper classes, but has steadily hiked the indirect taxes to which the poor contribute a bigger share. For data on the direct and indirect tax to GDP ratios, see Roy, 1996:27.

[102] The extent of tax evasion is quite high in India. Instead of prosecuting defaulters, the state routinely announces 'amnesty schemes' to unearth black money. Under these schemes, those with unaccounted wealth can declare their true income without any fear of prosecution or penalties. During Mrs. Gandhi's regime, tax evaders got a fabulous deal in the form of a 'Bearer Bonds Scheme' -- an amnesty scheme in which the government mopped up illegal monies by issuing bearer bonds to the declarants without asking any questions about the source of their income. In 1998, the United Front government once again announced a 'Voluntary Disclosure of Income Scheme.' It offered generous terms to tax evaders and hundreds of thousands of people availed of this scheme.

Third, the state's resort to commercial borrowing at high rates of interest doubly hurt the interests of the poor. In the first instance, they did not have the skills and equipment necessary to participate in and derive the benefits of export-driven growth. On top of that, the state forced them to bear the burden of a huge debt that it incurred to finance the economic activities of the industrial elites. After all, the interest payments and debt servicing come from indirect taxes which the poor pay whenever they buy goods and services. Furthermore, the interest payments took monies away from development related activities and perpetuated economic inertia. Finally, for all the pain they had to endure, the overwhelming majority of Indians did not get jobs even during the short period in the mid to late 1980s, when industrial growth took place. Between 1985 and 1988, the private sector created just 32,000 jobs while in the private manufacturing sector, the number of jobs declined. Considering that even as early as in 1981, there were 17.84 million unemployed people on the live registers of Employment Exchanges, the much touted neoliberal policies obviously did not bring any relief to the poor. By 1991, the number of unemployed on the live registers of Employment exchanges shot up to 36.30 million (*Statistical Outline of India*, quoted in James, 1995:119).

THE SOCIAL COST OF ECONOMIC REFORMS IN THE 1990s

From our discussion so far, it is clear that the so-called balance of payments crisis of 1990, which I discussed in the previous chapter, was not an adventitious phenomenon. The short sighted policies of the state and its abandonment of economic self-reliance created the crunch in foreign exchange and galloping inflation. The managers of the state often cite the fear of defaulting on the nation's debt obligations to international creditors and the acute shortage of foreign exchange as the proximate causes for once again availing a massive US $ 5.3 billion loan from the IMF. Apparently, to avoid them, the state had 'no alternative' other than borrowing even if it meant implementing the IMF's stabilization and structural

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Taxation experts suspect, however, that there are still millions of evaders who do not wish to officially declare their income. For details, see TSK, 1998.

[103] For details about the origins of the black economy and its magnitude, see Roy, 1996.

adjustment prescriptions.[104] It cloaked its capitulation to the IMF in the form what is known as 'economic reforms' or the New Economic Policy (NEP). Its notable features were the devaluation of the Indian rupee by roughly 20 percent, liberalization of foreign trade and investments, rolling back direct taxes and customs duties, privatization of state-owned enterprises, and a cutback on social welfare program as part of a major attempt to reduce the fiscal deficit. As if these were not enough, the less apparent policies included a general hike in indirect taxes and administered prices. These measures hurt the vulnerable sections immensely. Sure enough, they also created social unrest that took the form of religious conflicts, as we saw in the previous chapter.

In spite of the near anarchic conditions in the early 1990s leading to the demolition of the Babri mosque and the subsequent anti-Muslim riots all over the country, the state did not consider it necessary to rethink its fiscal strategies. On the contrary, it cleverly argued that because its reforms and liberalization programs had not gone far enough, the economy continued to be sluggish. The net result was that the state's discourse led to the entrenchment of a commonsense that, in keeping with the emerging realities of the 1990s, particularly after the disintegration of the Soviet Union and the 'triumph' of capitalism, India has to keep pace with the rest of the world and integrate with the global economy by liberalizing and privatizing its economy. It did not matter if more than three-fourths of Indians did not have either the capacity or the training to participate in the emerging economy. The state argued that all issues concerning human development can be effectively addressed only by achieving economic growth.

One can object that if the economic reforms were indeed anti-poor, why, then, did the latter not oppose them or try to stop them? In answer to this question, I wish to underscore two points. First, the marginalized sections have indeed mounted an enormous opposition against the elitist development policies of the state. In most parts of the country, the working class, the small peasants, and the unemployed have launched militant agitations to register their protest. In provinces like Kashmir, Assam, and elsewhere, popular dissatisfaction over state-driven, centralized, hegemonic processes of development have taken the form of what the ruling elites label as 'secessionist' movements. Why, then, have these mass movements not led to any reversal of policies? They have not because the heavy arm of the state has resorted to unprecedented coercion[105] to quell peoples' opposition. All skepticism on this score can be set to rest if we realize that 40 percent of India's army is involved in 'counter-insurgency operations' and nearly 90 percent of its central para-military forces are also engaged in internal battles (Navlakha, 1998:2574). Overall, 60 percent of India's security forces are fighting against their own people. Confronted thus by a behemoth like the Indian state, popular movements have little chance of succeeding.

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[104] For details of the structural adjustment and stabilization policies and their socio-economic consequences, see Chossudovsky, 1997, chapter 6.

[105] A significant index of the increase in the state's coercive powers is the huge expense it incurs to raise and maintain security forces. In 1950-51, the allocation for central police stood at Rs. 3 crores. By 1998-99, it zoomed to Rs. 5, 930 crores. For details, see Navalakha, 1998.

Second, the state has tried also to win the consent of the vocal sections mainly belonging to the middle class by providing them sops in the form of greater access to a variety of consumer goods. Besides, the mainstream mass media are not particularly critical of the state's policies because their representatives stand to gain from the greater opportunities that become available by integrating with metropolitan capital. Most important, the vast majority of the absolute poor, comprising over 300 million, have low political consciousness and little awareness of the perilous turn the economy has taken.

The state has also sought to stifle public debate on its policies by circumventing all meaningful discussions even in the Parliament. A little known fact about the 'world's largest democracy' is that its Parliament's control over fiscal matters is steadily eroding. Interestingly enough, since the unveiling of economic reforms, the previous three month long budget session of the Parliament has become shorter. Claiming paucity of time, the governing elites do not provide enough opportunity to peoples' representatives to scrutinize the budget allocations. Thus, the Comptroller and Auditor General of India recently deplored the fact that in 1996-97, the Parliament was able to vote a mere 26 percent of the total expenditure in the budget and the rest was charged to the Consolidated Fund of India (Navlakha, 1998:2573). Clearly, then, by judiciously employing a combination of coercion, consent, and inducements, the state has managed to win the acquiescence of the people for its agenda.

Having neutralized all opposition to its plans, since 1991 the state has embarked on an ambitious plan of globalizing and privatizing India's economy. In a short span of eight years, it has altered the face of Indian society in a drastic manner. The ruling elites have eagerly welcomed MNCs and foreign investors who do not contribute to India's economy in a substantial manner, either through technology transfers or through the creation of mass employment. The arrival of Kentucky Fried Chicken, Pizza Hut, Visa card, Microsoft, IBM, General Motors, Pepsi, and such other MNCs has, on the one hand, kept the consumerist elites happy. But, on the other, it has led to an inevitable demonstration effect leading to a phenomenal spurt in social tensions and crime.

Similarly, the import of capital goods, technology, entertainment software, and consumer durables from the affluent West has led to what critics have characterized as the 'McDonaldization of India.' It has also created a crisis in the public sector industries that were previously manufacturing some of these items. The state, thus has a ready made excuse to privatize these industries at throwaway prices. As a result of trade liberalization, instead of basic goods, the Indian market is now flooded with luxury items like cars, televisions, washing machines, air-conditioners, cosmetics, designer dress materials, computers, processed junk food, fancy electronic gadgets and so on. To pay for these imports, the state has resorted to exporting more and more primary resources and raw materials, thereby jeopardizing the livelihoods of millions of lay Indians. In other words, once again, to satiate the appetites of the upper and middle class elites, it has sacrificed the interests of the subaltern classes.

In concrete terms, the new economic adventurism of the state has exacted heavy costs. To start with, India's foreign debt has increased from about Rs. 1 trillion (US $ 27 billion) in 1990 to Rs. 3.3 trillion (i.e. 92.2 billion) in March 1997 (Kothari, 1997:92). As for its internal debt, by the end of March 1995, it stood at Rs. 4.8 trillion (US $ 134 billion) (ibid.). Further, as per estimates prepared in February 1996, the total annual debt repayment liability in 1996-97 was Rs. 1.3 trillion (US $ 35 billion) which amounts to almost 99.6 percent of the expected revenue receipts (ibid.). In 1990-91, the interest on debts consumed 40 percent of the nation's revenues. Currently, the state is forced to set aside 48 percent of its revenues to service the debt (*India Today*, Feb. 15, 1999). Altogether, interest payments, defence expenditure, and subsidies consume a whopping 78 percent of the nation's budget (ibid.). After deducting administrative expenses and salaries, the state is left with virtually no money for carrying out development related activities and social welfare programs.

If, in spite of its precarious condition, the Indian economy has still not collapsed, then it is because the state continues to borrow in one form or the other. Thus, in 1998-99, though it once again came close to a foreign exchange crisis, the state managed to salvage the situation by mopping over US $ 4 billion through the Resurgent India Bonds (*India Today*, Feb 15, 1999). What, however, is a foregone conclusion is that such balancing acts will not always work and the economy is surviving on borrowed time.

Enthusiasts of the liberalization program often tend to minimize the severity of the looming fiscal crisis by arguing that the transition of a hitherto protectionist economy into the free market system is bound to be somewhat painful. They exude confidence that such 'teething troubles' will soon be a thing of the past. What they seem to deliberately ignore is that while waiting for the promised golden era, the subaltern classes and the minorities have been going through untold misery precisely because of the NEP. For example, under the liberalization drive, when the state allowed the free export of cotton, it abruptly cut off the weavers' access to cheap cotton. Consequently, two million weavers in Andhra Pradesh lost their only means of livelihood (Shiva, 1998:169). Between August and November, 1991, in just two districts of Andhra Pradesh, 73 starvation deaths occurred (*Frontline*, December 6, 1991:48). Since then there have been umpteen instances of starvation deaths in Andhra Pradesh, Karnataka, and other provinces.

The government decided to allow the export of cotton[106] with the sole intention of boosting the export sector and earning foreign exchange. Before announcing this decision, it did not apply its mind to either the availability of institutional support for growing cotton for the export market or other possible repercussions of its actions on the agrarian sector. No sooner the state announced its decision, small and marginal farmers switched to cotton cultivation in lure of getting a good return. Unfortunately, for a variety of reasons, their dreams did not come true.[107] Their crops failed and they were left with little money to repay the substantial loans they had incurred to grow cotton. Driven to despair, in March 1998 over a hundred cotton farmers in Andhra Pradesh committed suicide (*Economic and Political Weekly*, March 14, 1998:550).

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[106] It is interesting to recall that like the postcolonial Indian state, the British imperialists forced Indian farmers to grow cotton but did not allow them to make their own cloth. They exported cotton to textile mills in Manchester and Birmingham, manufactured cloth, and sold it in India for a bumper profit. The profit motive driving the 'new' economic reforms, thus, seem to prove the verity of the old adage: the more things change, the more they remain the same.

Economic liberalization has also hurt small producers and the self-employed in a number of sectors. With the state's decision to welcome the entry of Pepsico in the processed food industry, the livelihood of two hundred thousand small producers of *bhujia* (a snack produced in the cottage industry) has been imperilled (Shiva, 1998:169). In the agriculture and aquaculture sectors also, the state has allowed the entry of MNCs with grave consequences for small farmers and women. In agriculture, the new emphasis is on commercialization and it is driven by the demands of transnational giants like Pepsico, Kellogs, Monsanto and so on.[108] The state has capitulated to their dictates, particularly in the areas of patents and intellectual property rights concerning seeds and medicinal plants which should rightfully rest with the agrarian communities.[109]

76 percent of Indian women and nearly 65 percent of the total population are involved in agriculture. Aside from the corporatisation and commercialization of farming whose benefits accrue to the rich peasants, the economic reforms offered nothing substantial to the agrarian sector (Uppal, 1993:55). The advent of foreign capital has also displaced people in traditional sectors like handlooms and handicrafts and rendered them jobless. Traditional artisans, workers in cottage industries, those involved in petty trades, and workers in the informal sector also have little to gain from the liberalization program. According to the estimates of the Planning Commission, the economy ought to have created 112 million job opportunities by 2000 in order to solve the problem of unemployment. Despite the daunting proportions of this challenge, the NEP does not address the issue of job creation in a satisfactory and realistic manner (Uppal, 1993:57).

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[107] When small and marginal farmers decided to grow cotton, they had to invest huge sums on seeds, fertilisers and expensive pesticides. Most farmers invested their life savings and took loans from private moneylenders at usurious rates of interests because the state did not provide them with cheap institutional credit. The farmers switched to cotton cultivation without proper training and knowledge of soil conditions, use of pesticides and the like. Due to lack of proper scientific advice, they sprayed pesticides recklessly. As a result, the pesticides killed the predators that fed on the pests attacking the cotton crop. Besides, there were frequent power cuts which disrupted the irrigation of the crop. All these factors resulted in poor yields. To add to the peasants woes, fluctuations in the export market led to a precipitous decline in the price of cotton from Rs. 2500 per quintal to Rs. 1700. The state did not intervene to stabilize the prices at a remunerative level. The low yield and unprofitable rates pauperized the farmers. Being unable to support their families and withstand intimidation, threats, and violence from local moneylenders, over a hundred farmers committed suicide by consuming pesticides. For details, see *Economic and Political Weekly*, March 14, 1998:550.

[108] As foreign investors and consumers demanded a particular brand of Basmati rice, Indian cultivators opted for it while ignoring several other local varieties. Likewise, upon the directive of Pepsi Foods, farmers began growing a particular variety of tomatoes that was more suited for mechanized production of ketchup.

[109] Vandana Shiva has explained how MNCs have got patents on Indian medicinal plants in their bid to exploit the natural resources of the country. For details, see Shiva (1997).

The state, by and large, seems to work on the assumption that bigger investments in different sectors would solve the problem of unemployment. Hence, for instance, in the area of aquaculture, the state has allowed big corporations to pursue industrial fish farming without caring for its disastrous environmental consequences for the coastal ecosystems. Recently, when the Supreme Court ordered the government to stop industrial fish farming, the federal government brought forward the Aquaculture Authority Bill to circumvent its verdict (Shiva, 1998:170). The state also exhibited undue haste in clearing a 1000 MW thermal power project in costal Karnataka at the insistence of the US based Cogentrix Corporation. The project did not secure environmental clearance from the Ministry of Environment. Nevertheless, the state bypassed all federal regulations and awarded the contract to Cogentrix.[110] Once again, the Supreme Court upheld the petition of environmental groups and ordered a review of the ecological impact of the proposed project.

Since the inauguration of economic reforms in the mid 1980s, in instance after instance, the courts have indicted the state for acting against the interests of the people. In most cases, in the name of promoting economic development, the state has ignored popular concerns about the environmental costs, the human costs in terms of displacement of aborigines and slum dwellers,[111] and social opportunity costs.

One of the factors that fuels the governing elites' zeal to promote development is the staggering payoffs they stand to gain in the form of contracts, foreign collaborations, investment opportunities, and, most important, generous kickbacks. In fact, with the advent of globalization, the corruption of the much-reviled earlier 'licence-permit-quota' raj has been replaced by what Vandana Shiva refers to as the 'kickback raj.' Coeval with the liberalization drive is the phenomenal rise in jobbery and nepotism. Major foreign investors have tried to illegally influence the bidding process to wangle multi-million dollar contracts. Around 60 top politicians belonging to all major parties (except the communists) were recently charged with trying to launder their ill-gotten bribes through illicit channels. In the final analysis, therefore, the liberalization program has brought about severe social dislocation through greater unemployment, environmental pollution, increase in the incidence of venality, and a diminution of the people's sovereignty.

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[110] The former Prime Minister, Mr. Deve Gowda was the Chief Minister of Karnataka when the provincial government signed a Memorandum of Understanding with the Cogentrix Corporation for the production and supply of thermal power to Karnakata, ostensibly to overcome the chronic power shortage in the province. The fact, however, is that the province has not fully utilized the existing installed capacity and the pilferage of power is a common occurrence. Nevertheless, the government of Karnakata executed a Power Purchase Agreement with Cogentrix which offered fabulous concessions to the latter. Some of the concessions are: 1. For the first 5 years, 100 percent taxable profit of the company is exempt from income tax. 2. Stamp duty on immovable property, registration fees for movable property, property tax, land and building tax, electricity, and sanitary tax -- all of these were waived. 3. Most important, Cogentrix will assume no liability in the event of any harm to the environment resulting from its operations. 4. The PPA also indemnifies Cogentrix against 'bodily injury, death, or damage to properties' in the course of its operations. For details, see Assadi, 1996:2130.

[111] Kothari estimates that over 500,000 people are displaced annually because of development related activities such as the building of power projects, highways, industries, military installations and the like. For details, see Kothari, 1996.

All the aforementioned lacunae of the economic reforms pale into insignificance when compared to their total neglect of human development. Several studies commissioned by government agencies and scholarly evaluations have pointed out that all previous poverty alleviation programs provided nothing more than ad hoc relief because they did not concentrate on creating permanent assets, cultivating human capabilities, and providing lasting entitlements for the poor. And yet, the NEP, an ambitious economic policy unveiled apparently for the welfare of the people, did not address these issues.

As we saw earlier, the proportions of human deprivation in India, indeed, are distressing. Female literacy, primary health care, compulsory primary education, and land reforms are absolutely essential even for the successful integration of the nation with the world market (Sen, 1994:24). Dreze and Sen (1995) have convincingly argued that expanding the social opportunities open to people should be central to any meaningful economic initiative. They concede that "(T)he expansion of markets is *among* the instruments that can help to promote human capabilities..." and that given the enormous challenge of human deprivation, "...it would be irresponsible to ignore that opportunity" (Dreze and Sen, 1995:203, emphasis in the original). The state, however, has concentrated its energies on dismantling the earlier restrictions on the development of a market economy. Sadly enough, it has completely ignored the imperative of pursuing 'supportive activities' such as basic education for all, provision of health care and such other facilities (ibid.). Those that cannot avail the opportunities offered by the liberalized economy and those relegated to its periphery due to lack of skills, evidently do not benefit from the government's new policies. Liberalization, thus, has accentuated class schisms and social antagonisms. The dominant proprietary classes touted it as a panacea for the ills of the Indian economy. Compared to the stagnation of the previous four decades, it did succeed in giving a boost to investments and economic growth. It proved to be a spurious remedy because of its elitist bias and neglect of human capability.

THE STATE, DEVELOPMENT, AND SECULARISM

From the overarching review of Indian development in the last fifty years, it is evident that the dominant proprietary classes comprising about 150 to 200 million affluent Indians have monopolized the benefits of development. As we saw earlier, in terms of their caste composition, they belong to the upper, twice-born castes and comprise just about 18 percent of the population. The upper caste/class coalition has used the state as an instrument of primary accumulation, though this process has become extremely complicated, particularly since the early 1980s.[112] The vicissitudes of secularism in post-independence India must be understood in the context of the efforts of the dominant proprietary classes to pursue accumulation while ensuring that the lower classes do not subvert their hegemony.

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[112] Gunnar Myrdal (1971, ch. 14) characterized the Indian state as a 'soft state,' one that is pliable and can be manipulated. Not only elitist development but also the state's extreme reluctance to prosecute the members of the propertied classes involved in surplus extraction through illegitimate means proves that the latter have used the former for primary accumulation. Though there are literally thousands of instances in which the state has

In the early years after independence, the glue that held the various classes together in a delicate balance was what is referred to often as the 'Nehruvian consensus.' The cornerstones of this legitimising ideology were socialism, secularism, and non-alignment. In the initial years, the propertied classes subscribed to the 'Nehruvian consensus,' not because they had ideological convictions about its core values, but because it was strategically important to do so. At that point, they critically depended on the state for capitalist modernization, technological advancement, and for developing greater ability to accumulate. The policies of protectionism, economic self-reliance, import substitution, the idea of the public sector scaling the 'commanding heights of the economy,' and a mixed economy in which the public sector would support the private sector were just what the big bourgeoisie (battered by metropolitan capital for decades) really wanted. The bottom line was that the propertied classes wished to consolidate their position and needed an ideology that would enable them to do so without any let or hindrance.

As for the poor, they too subscribed to the Nehruvian consensus for a number of reasons. As I mentioned earlier, the Congress, in their eyes, had phenomenal popular legitimacy. Its vision of socialist egalitarianism and its nominal reforms aroused hopes among the subaltern classes that their marginalized status would soon be a thing of the past. More important, since they lacked competent leaders and resources, the minorities and the subaltern classes had little choice other than reposing their faith in the state.

Up until the mid 1960s, the state enjoyed a modicum of autonomy because the crystallization of the various classes had not gone far enough. Its tasks were restricted to mediating the tensions between the industrial bourgeoisie and the agrarian elites, while accommodating the educated professional class and the dominant sub-elites of the subaltern classes within the power structure. During this period the process of capitalist accumulation progressed relatively smoothly with little opposition from the subaltern classes. Secularists recall this period (i.e., 1947-66) with nostalgia and often look upon it as the 'golden years of secularism.' In reality, what it means is that during this period, the minorities and the lower castes subscribed to the patronizing, majoritarian doctrine of 'equal respect for all religions' and did not contest the claims of the state. Contrary to what several liberal intellectuals seem to think, the Nehruvian era, by any means, did not uphold secularism because the state and/or the propertied classes were liberal, tolerant, and catholic in their

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refused to prosecute the propertied classes, in the interest of brevity, I shall mention just two examples. First, since independence, over 200 judicial commissions of inquiry have indicted public figures, business houses, and bureaucrats of various acts of corruption. In almost all instances, no legal action has followed. For details, see Baxi, 1996. Second, in the northern district of Jehanabad in Bihar, upper caste Bhumihar landlords have formed private militias to kill lower caste agricultural labourers who demand their legal share of the land. In 1997, they killed 183 lower caste men, women, and children. Similar incidents have taken place in 1998 and are still continuing. According to the Bureau of Police Research and Development, however, in the last five years not a single person has been convicted for the massacres. For details, see Chatterjee, 1998:15.

outlook. It just means that they could afford to adopt a liberal rhetoric as it did not interfere with their main purpose, viz., the accumulation of surplus.

By the late sixties, the socio-economic profile of India had changed considerably. In the agrarian sector, a segment of rich peasants began to assert themselves. A multitude of factors, both internal and external--such as a war, sluggish growth, droughts, and low agricultural productivity--led to the first crisis of capitalist development in the India. The state had to deal with problems such as the shortage of food grains, the competing demands of the industrial and agrarian elites, and (for the first time) the signs of restiveness of the subaltern classes. As we saw, it tried to negotiate these problems while continuing to facilitate capitalist accumulation by introducing the Green Revolution and a host of anti-poverty measures. Though successful at first, these schemes could not stem the rising tide of caste and communal violence. The first misgivings about the significance of the Nehruvian consensus surfaced in all the segments of Indian society. Mercifully, it was not pronounced in its manifestation.

Despite its best efforts, the state's initiatives did not resolve the crisis of capitalist accumulation effectively. In fact, in the 1970s, it worsened considerably. Industrial growth retarded as agricultural incomes did not increase to any appreciable degree, despite the Green Revolution. Within the dominant proprietary coalition, there were serious contests over the allocation of resources with both groups clamouring for a greater share of the economic pie. Their conflicts became intense as the economy foundered. Similarly, fresh bouts of communal violence erupted in several places as the state's commitment to secularism waned. For some time, a combination of populist rhetoric and welfarish schemes seemed to preempt a revolt from the subaltern classes who were becoming vocal in their protests.

By the mid 1970s, the rise of the middle peasantry added to the woes of the state. As the crisis of development aggravated, the clash of the contending class forces reached unmanageable levels. For the first time, the middle peasantry and the subaltern classes came together to agitate against a system that did not fulfill their demands. With the support of the big bourgeoisie, the state tried an authoritarian solution--the Emergency--to discipline the fractious classes. But the Emergency had the opposite effect. Instead of disciplining the obstreperous demand groups, it united them in their struggle against the dominant proprietary classes.

As the result of the 1977 elections proved, the ruling elites of the Congress had estranged several crucial segments of their support base: the dalits, aborigines, the emerging middle peasantry, and the minorities. For the first time, the Nehruvian consensus no longer worked its magic on the electorate. Obviously, after three decades of elitist development, the subaltern classes and the minorities not only continued to remain on the margins but also faced increasing threats to their lives and properties. The propertied classes, who dominated the state apparatus, did not intervene on their behalf and prevent the recurrence of such incidents.

By the early 1980s, the legitimacy crisis of the state had aggravated to distressing levels. It inevitably cast an adverse impact on capitalist development. Besieged from all sides by contending forces, the state did not have the autonomy, the political will, and the resources necessary to cater to their demands. The subaltern castes, minorities, and the peasant groups were not satisfied with the shibboleths of the propertied classes. Nothing short of their legitimate share in the national economy would mollify them. Short term benefits and welfare measures could not convince them of the bona fides of the state elites. Populism had exhausted its potential. Most worrisome, having realized the power of their vote, they were willing to subvert the hegemony of the propertied classes if their demands were not met.

Around this time, the state had also lost the ability to invest in infrastructure development to cater to the ever increasing demands of the population. The big bourgeoisie realized that surplus extraction under the existing arrangement was no longer a fetching proposition. It began looking for greener pastures. Compared to 1947, by the 1980s, the state had developed a fairly decent level of infrastructure support for capitalist development. Its investment in higher education had led to the emergence of a highly skilled, technical workforce. Thus, the big bourgeoisie realized that it could augment its surplus accumulation by moving beyond the confines of the domestic economy and integrating with metropolitan capital. Due to recession and a consequent slump in spending in the industrialized nations, they too were eager to forge connections with the dominant, proprietary classes in India. The relatively low level of investment, the availability of inexpensive raw materials, cheap skilled labour, access to a huge market of about 80 to 100 million rich consumers, and a pliant state made India an attractive destination for metropolitan capital. Hence, the big bourgeoisie, after having acquired strength through protectionist policies and state subsidies, began lobbying for dismantling these policies (Ahmad, 1996:1330). In fact, it went so far as to argue that the state should withdraw from economic matters and allow the free interplay of market forces. The concatenation of these events gave rise to the thrust toward economic liberalization and globalization.

As we saw earlier, bowing to the demands of the propertied classes, the state unveiled an ambitious program to integrate the economy with global capital. But it had to overcome two major obstacles in this process. First, with the breakdown of the Nehruvian consensus and the growing assertiveness of the subaltern classes, the state faced an ideological vacuum. How could it justify the abandonment of self-reliance and protectionism and the simultaneous move toward globalization? If the latter was a better strategy, then how would it help the poor? Answering these questions was, indeed, a ticklish challenge. Second, as Nayyar (1998) rightly points out, the state had to resolve a contradiction inherent in the mutually exclusive logics governing democracy and markets. On the one hand, as the policies of liberalization unfold and the market penetrates deeper into the civil society, they ineluctably exclude the poor and the marginalized. On the other, fifty years of democracy in India has led to the empowerment of the people, however limited this process may be, as a result of which they demand inclusion in the process of development. Thus, democracy which requires the participation of all classes and communities, comes into conflict with the agenda of the markets. Hence, to reconcile the imperatives of democracy with the logic of liberalization, the state needed a new legitimising ideology. The current assault on secularism and the attempts of the state elites to woo the Hindu majority by excoriating the minorities make sense in the context of these newly emerging economic realities.

The discourse against secularism has two other major objectives. First, the propertied classes want to deflect class issues and class conflict and replace them with community conflicts so that popular attention shifts from the disruptions caused by globalization (Ahmad, 1996:1335). Second, they also want to thwart the empowerment of the long oppressed subaltern classes. This task assumed great urgency after the V. P. Singh regime extended the benefits of affirmative action policies to the OBCs. The propertied classes, mainly comprising the upper castes, feared that if allowed scope, the subaltern castes would undermine their hegemony. Hence they perceived a pressing need to forge a homogenized Hindu constituency. They reckoned that, once formed, it will make the minorities redundant for electoral victory and will reinforce their own privileged status as the natural leaders of the Hindu community. But the problem is that Hindu unity will remain elusive in the absence of concrete benefits for the lower castes from identifying with the Hindu identity forged by the upper caste elites. Achieving Hindu unity without renegotiating property relations obviously requires a powerful, emotive issue, one that speaks to the most intensely felt convictions of the lower castes and volitionally evokes their allegiance to it, overriding their pressing socio-economic demands. Hence the upper caste elites valorize 'Hindutva' and criticize secularism.

It is, therefore, no coincidence that the state elites started talking about the 'threats to Hinduism' from the minorities while introducing policies of liberalization. During Mrs. Gandhi's last term, the two discourses emerged simultaneously. Prime Minister Rajiv Gandhi took this strategy further by liberalizing the economy and encouraging both Hindu and Muslim communalisms. His successor, Rao, continued this legacy by inaugurating the NEP and simultaneously allowing the demolition of the Babri mosque at Ayodhya.

One could raise a couple of objections against my line of argument. First, why did the agrarian elites support and demand the liberalization process considering that it would benefit chiefly the industrial big bourgeoisie? A related point is why would the educated elites in the bureaucracy--who stand to lose sumptuous 'perks and privileges' with the dismantling of the licence-permit-quota raj--acquiesce in the NEP. Second, why do the poor and marginalized classes accept the rhetoric of the governing elites concerning globalization?

It is true that the liberalization program mainly involved inviting foreign investors in the high tech, manufacturing, and service sectors. But, as I mentioned earlier, it also included plans for the commercialization of agriculture and corporate farming. One of the features of the economic reforms was to grow cash crops for the export market. These plans benefitted the landed aristocracy more than any other segment in the agrarian sector. More important, according to Bardhan (1992), in the recent decades, the rich peasant class has invested its surplus in a number of non-agricultural sectors like private business, manufacturing industries, real estate and the like. Thus, the old dichotomy between the industrial elites and the rich peasantry has blurred considerably and the two groups have become fairly homogeneous to constitute a powerful, dominant class.

Like the agrarian elites, the educated professional class, comprising overwhelmingly of the upper castes too, have forged extensive links with the private corporate sector. Since the liberalization program started, they have entered into profitable alliances with representatives of MNCs, agents of global capital, and influential middlemen and power brokers who lobby on behalf of international conglomerates. Officials in the higher echelons of civil and military bureaucracy cultivate such individuals while in service and, after retirement, join their enterprises[113] (Bhambhri, 1996:51). As a whole, thus, the educated professional class stands to gain immensely from the economic reforms. As such, it is among its staunchest votaries.

We now come to the question of why the lower classes accept the hegemonic discourse of the propertied classes about globalization. From my analysis so far, it might seem that the former are passive agents who implicitly followed the dictates of their superiors. It need not be laboured that any analysis that denies agency to social actors will be exposed to the charge of determinism. It might be recalled that in an earlier chapter, I discussed why the subaltern castes relate to the BJP's discourse on secularism. There, I argued that the Hindu nationalists had ingeniously juxtaposed the profound disillusionment of the lower classes with the system with their own vision of a pure Hindu state, rid of 'alien subversive entities' like the minorities, one in which stability, equality, the rule of law, and rectitude would prevail. This vision of a Hindu state, free from all the blemishes of the present system, spoke to the most intensely felt aspirations of the subaltern castes/classes.

In a similar fashion, the ruling elites employed the discourse of globalization by appealing to what most Indians consider the nation's greatest weaknesses: its backwardness and inconspicuousness in the world economy. Rajiv Gandhi capitalized on this feeling by incessantly talking about the need to 'take India into the 21st century.' Undergirding this was the notion that a globalized modernity was the final destination of all nations and that working toward this goal was an eminently desirable endeavour. But, globalization, as we saw, will inevitably lead to social disjunctures and upheavals that come in the wake of elitist, inegalitarian development. As the state withdraws from its role as the regulator of economic activity, the resultant unleashing of market forces will worsen the feelings of disorientation, powerlessness, and marginality among the poor. Moreover, it will erode cultural authenticity.

When the Elysian dream that drives the quest for globalization does not come to pass, the subaltern classes are likely to resist it strongly. To deflect popular opposition to globalization, present and potential, the propertied classes propound an anti-secularist discourse. This discourse demonizes the minorities and portrays them as the biggest obstacle to the consummation of the inexorable destiny of India, viz., arriving at globalized modernity which is a state of purity and plenitude.[114] By also harping on the glories of Hindu nationalism, it promises to "recuperate the lost authenticity of Indian culture" (Hansen, 1996). Furthermore, it resonates with a widely held view among the lower middle class Hindus that the increasing assertiveness of the minorities bodes ill for the majority community. Finally, when globalization inevitably fails to alleviate mass suffering, the anti-secularist discourse will also serve as a seemingly credible explanation as to why it did not deliver all that it promised.

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[113] In 1992, a huge stock market scam which siphoned off public money to the tune of US $ 1.3 billion came to light. A parliamentary committee that probed the scam indicted several foreign banks for resorting to illegal practices in league with stock brokers. But, the foreign banks did not suffer any adverse consequences because they had covered themselves by providing employment to the kin of top bureaucrats, policy makers, and administrators. For details, see Bhambhri, 1996:51.

THE BJP AND CONGRESS POSITIONS ON SECULARISM: ARE THEY DIFFERENT?

In trying to explain why the postcolonial state is not interested in upholding the rights of the minorities, I have zeroed in on the dominant proprietary classes and minimized the role of the main political players. This downplaying might seem unusual because, according to popular perception, the BJP is anti-secular and communal in its ideology and actions while the Congress stands for an inclusivist, secular nationalism. Thus, they both seemingly occupy opposite ends of the ideological spectrum, particularly on the question of secularism.

In this section I will argue that the two positions are not as disparate as they appear to be and that a proper understanding of the politics of secularism critically rests on going beyond these rigid antinomies. In the previous chapters, I have tried to prove that the BJP's discourse on secularism has no basis in fact and yet, its praxis draws sustenance from its majoritarian ideology. I also analyzed the ideology and actions of successive Congress governments to prove that, their rhetoric notwithstanding, they have repeatedly failed to honour the principles of secularism. It therefore follows, that these two parties, after all, are not all that different in terms of the consequences of their respective politics. For the lay Muslim in India, there is only a marginal difference between the Congress and BJP regimes. Both of them are equally hostile to the minorities. Why, then, do these parties adopt contrary discourses on secularism, and what is their significance?

Before analyzing these issues, I wish to reiterate that the central grid around which Indian politics revolves comprises the dominant proprietary classes. These propertied classes have provided patronage and support to all the non-communist parties in India in exchange for major concessions for themselves (Bhagavan, 1988:231). The political system in India, so far, has worked on the unstated assumption that parties will be allowed a free hand to adopt any ideology, program, or policies of their choice so long as they do not conflict with the interests of the dominant proprietary classes. To qualify for total patronage and support, however, a political formation has to chalk out programs and policies that will return them to power without having to undertake any fundamental reorganization of the economy. No analysis of Indian politics can be complete if it ignores this overarching framework defined by the propertied classes.

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[114] Hansen (1996) has developed this argument in an elaborate manner. I have benefitted from his analysis.

After independence, under the leadership of Nehru, the Congress projected socialism and secularism as its two guiding policies. As we saw earlier, considering that even after the partition, 35 million Muslims stayed back in India, the Congress had little option other than espousing secularism. Similarly, it could not have mobilized the vast majority of penurious Indians by openly embracing a pro-market approach (Kohli, 1994:90). The trope of socialism--which, in reality meant state-guided capitalism--perfectly suited the elites of the Congress. On the one hand, it enabled them to garner votes; and, on the other, it legitimized their use of the state apparatus to promote accumulation. Till recently, the Congress benefitted immensely from this strategy. Seen from this perspective, it becomes clear why the Congress did not care to deliver on its promises regarding secularism and socialism.

The Bharatiya Jan Sangh--the progenitor of the BJP--consistently advocated free enterprise since the time it was born in the early 1950s. It tried to legitimize this position by viewing India as comprising, not of the rich and poor, but of the Hindu majority and the religious minorities. The Hindu nationalists, therefore, employed communal categories to mobilize the voters instead of secular ones. But the ultimate objective was the same: winning elections. At the federal level, their strategy met with lukewarm success till 1977. Chiefly because Hindu nationalism had little to offer to lay Indians to mitigate the harsh socio-economic realities of their lives such as gnawing poverty, division into myriad caste groups and so on. The BJP's social base, mainly comprising upper caste Hindus, the petit and intermediate bourgeoisie, and the lower middle class urban intelligentsia was too narrow for ensuring their victory. Besides, their areas of influence were overwhelmingly restricted to the cow belt in the north.

Realizing that their ideology lacked credibility and was at odds with the desire for empowerment among the lower castes and classes, the Hindu nationalists formulated a long-term strategy that involved uniting the 'Hindu community' by making a bugbear of the minorities. They propagated their ideology by entrenching themselves in the civil society through minor social service, religious and cultural activities, and large scale indoctrination of youngsters. For this purpose, the Hindu nationalists used the RSS--supposedly a 'cultural body'--recruited Brahmin celibates as its lifelong volunteers, and drafted them for 'missionary work' throughout the length and breadth of the nation.

The Congress and the BJP, therefore, represent two different forms of political mobilization. The former adopts an inclusivist approach; the latter follows an exclusivist tack. Both organizations are communal in their and actions. As Ahmad (1996) points out, however, the communalism of the Congress is 'pragmatic' while that of the BJP is 'programmatic.' The dominant proprietary classes solidly backed the Congress till the late 1980s after which its support base started eroding. Their support to the Hindu nationalists till then was minimal. The Congress had earned the patronage of the propertied classes by successfully forging a multi class coalition and by adopting a winning formula of secularism and socialism. Also, as we saw earlier, its policies were overwhelmingly driven by the interests of the propertied classes and it was successful in keeping the subaltern classes at bay through populist programs.

By the 1980s, three major factors combined to propel the BJP to limelight. First, the Congress ideology had lost its sheen and the politics of populism no longer fetched dividends. Second, the subaltern classes launched a strong movement for their empowerment. Alarmed upper caste elites realized that the BJP's strategy of neutralizing their movement by raising communal issues like the Ram temple movement was an ideal solution. Third, capitalist accumulation having hit a plateau, the propertied classes wanted to liberalize the economy. Again, the BJP's vision of a 'strong Hindu nation' seemed appropriate for winning support for the reforms.

Around this time, after decades of painstaking propagation in the communities, the BJP had emerged as cadre-based party, albeit that its support base continued to be narrow. The dominant classes endorsed the BJP's redefinition of nationalism and secularism because it was consonant with their goal of liberalization, and it diverted peoples' attention from material issues of their daily lives to irrational, symbolic matters like 'Hindu honour' and 'Hindu Pride' (Ahmad, 1996:1337).

I am not suggesting that the dominant proprietary classes have completely withdrawn their support to the Congress. In fact, they are patronising the Congress too because, as a national party, it is far from finished. What is more, in its bid to survive, the Congress has increasingly moved in the direction of the BJP and sought to hijack the latter's agenda. Besides, it continues to be the only all India party that has a significant presence in all the provinces. So, it has not lost its relevance. Since, at the present juncture, the BJP has the winning formula, the dominant classes have extended their support to it. The important point to note is that the latter have an infinite capacity to protect and perpetuate their interests by judiciously reinventing themselves through apparently different political combinations that abide by the same socio-economic and political agenda. So pervasive is the influence of the propertied classes that they have literally tailored the state to suit their socio-economic and political needs. Thus, to quote Aijaz Ahmad, the state has become a mere "managing committee of the bourgeoisie as a whole" (1996:1330).

Any misgivings about my analysis can be quickly set to rest if we remind ourselves that both the Congress and the BJP believe in, affirm, and abide by the same agenda of liberalization and privatization. They do not diverge on a single issue, a fact proven by the repeated assurances of Prime Minister Vajpayee and his cabinet colleagues to the international business community that the liberalization process is irreversible and there can be no going back to the old ways of protectionism. It is, indeed, true that a tiny section of the BJP claims to speak for indigenous capital and for the small scale sector that are hit by the advent of big players from abroad. It talks the language of *'swadeshi'* (lit. of or pertaining to one's native land). But the swadeshi lobby has not succeeded in reversing any major economic policy of the BJP government.[115]

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[115] Recently, the federal government entertained the idea of allowing foreign companies in the insurance sector but shelved the idea after protests from the swadeshi group. The reasons for this tactical retreat are not far to seek. The BJP heads a coalition government and it lacks the requisite majority in the Rajya Sabha to get its bills passed. Also, the party realizes that it should be mindful of the interests of its core supporters -- the petit and

One of the factors that contributed to the rise of the BJP was that it succeeded in articulating the anger of those affected by the liberalization policies when it was in the opposition. At that time, it had promised to pursue 'reforms with a human face.' All that remains of these promises, though, are its memories.

If the BJP and Congress serve the same masters, what then, does one make of their political battles? In the light of what we have discussed so far, I wish to argue that their varying approaches to politics represent a struggle among different sections of the ruling elites to acquire power. They are no reflection of the peoples' issues, their struggles, and aspirations. Second, the issue of secularism has become the bone of contention between the Congress and the BJP because it is the only issue along which the two parties can apparently distinguish themselves. In all other respects, they are more or less congruent. Of course, I must hasten to point out that, despite their similarities, the Congress is lesser of the two evils for two reasons. First, at least theoretically the Congress subscribes to an inclusivist, civic nationalism and its politics of caste, undesirable though it is, it is better than the naked communalism of the BJP. Second, unlike the BJP, which adopts fascist-like strategies[116] to accomplish its agenda and whose core is the RSS, the Congress is not as blatantly fascist and it does not have ideologically indoctrinated cadres. What this means is that the Congress has a lesser potential of inflicting harm on the minorities. Also, since it is not driven by an exclusivist vision, it is less likely to drastically disrupt the ethos of intercommunal harmony, unlike the BJP.

HAS SECULARISM FAILED IN INDIA?

From the preceding discussion, can we conclude that secularism has failed in India? The answer depends on one's conception of secularism and the comparative perspective one adopts. Votaries of the 'equal respect' doctrine and those who compare India's postcolonial experience with that of other postcolonial societies such as African nations, argue that Indian secularism has been an unqualified success. They point out that in spite of all its drawbacks, it has served as a source of social cohesion. Communal harmony, though under strain in the recent years, is still largely intact. Indian democracy continues to flourish and the nation has not fallen apart. True, but one cannot overlook the fact that India continues to be stultifyingly feudal, its democracy lacks substance, and its biased secularism has jeopardized national integrity.

Another argument that seeks to exonerate official secularism is that the British nurtured communal divisions over two centuries to perpetuate their imperial rule and so in

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intermediate bourgeoisie -- and not alienate them by railroading major policies.

[116] Scholarly opinion is divided on whether or not the RSS and its Hindu nationalist movement are 'fascist' in character. Some, like Sarkar (1993) and Patnaik (1993) have argued that they are indeed fascist, but some others like Vanaik (1994) disagree, arguing that Hindu nationalism shares some generic features of fascism but is not congruent with the fascist paradigm.

a short span of five decades, ancient hatreds cannot be wiped out. To a certain extent, this assertion is true. Nevertheless, it cannot be gainsaid that the postcolonial state could have done much, within the existing structure of power relations, to make life easier for the minorities, but chose not to.

If, however, one appraises official secularism from a minority perspective, then it has failed to a considerable extent. Short of forcibly converting the religious minorities and completely suspending their religious and cultural rights, the state has abdicated its responsibilities towards them. Indeed, under the Indian Constitution, the minorities are guaranteed cultural and educational rights. But the vast majority of them live under such abysmally degrading circumstances that they are not even aware of their rights, let alone being able to exercise them. Instead of ameliorating their situation, the state elites have embarked upon an ambitious program of globalization and liberalization. This new economic agenda offers little to the vast majority of Indians who are capability poor and hence are unable to reap the benefits of globalization. Evidently, with the widening of socio-economic disparities and social tensions, there will be greater room for communal mobilization. In sum, with the advent of globalization, even nominal secularism will be hard to practice.

In this otherwise stygian scenario, a saving grace is that while official secularism has failed, genuine peoples' secularism, is beginning to assert itself gradually. By peoples' secularism, I mean the spirit of cooperation and tolerance among lay Hindus and Muslims, born from living together for generations. In the recent years, the minorities and the lower castes have identified the dominant upper castes and classes as their common oppressors and launched joint struggles against them. Their common desire for peace and empowerment has united them in the electoral arena also. The propertied classes are anxious to preclude their unification because it could undo the new consensus the former are trying to forge around liberalization. Hence, the upper castes and classes have sought to spread disaffection against the very notion of secularism in the hope that it will create dissent among the 'Hindu' lower castes and the religious minorities. Thus, there is a real tension between the popular surge for empowerment and harmony on the one hand, and, the attempt to nullify such aspirations on the other. Though an uphill struggle, the eventual success of genuine peoples' secularism remains an incontrovertible fact.

CONCLUSION

In this chapter, I argue that though mainstream political parties have violated the norms of secularism and hurt the interests of the minorities, they still swear by secularism because of electoral considerations. To understand why the state has consistently ignored the interests of the minorities, it is important to appreciate that the propertied classes have hegemonized the state and used it for the twin purposes of accumulation and legitimation. This theory is borne out by the trajectory of development since independence. The dominant classes tolerated secularism till the mid 1980s because it did not interfere with their surplus accumulation. In the late 1980s, the subaltern classes launched militant movements for greater empowerment. Their challenge to the entrenched hegemony of the dominant classes coincided with the crisis of capitalist development. One of its grave consequences was that surplus accumulation had reached the point beyond which it could not grow in the domestic economy.

The propertied classes pressured the state to liberalize and globalize the economy and preempt the subaltern movement. To accomplish these tasks, the state tacitly encouraged the rise of Hindu nationalism and thereby lent credence to its critique of official secularism. Hindu nationalists traced the woes of the nation and the economy to the 'appeasement of the minorities' through secularism and demanded the repeal of this policy. They also harped on the need to build 'a strong Hindu nation,' which served to legitimize economic liberalization. Thus, through the agency of the BJP, the propertied classes accomplished their agenda. It follows, therefore, that the writ of the propertied classes runs supreme and that the diametrically opposite positions of the Congress and the BJP regarding secularism are just alternate means of mass mobilization. Their disparate political strategies just represent struggles among different segments of the propertied elites to capture power. This argument is additionally confirmed by the congruent economic policies of both the Congress and the BJP.

Altogether, viewed from a minority perspective, secularism has succeeded only marginally in India. The genuine secularism of the subaltern castes and classes, however, is gaining strength slowly. In the recent years, the minorities and the lower classes have joined hands to unitedly struggle for their empowerment. And therein lies hope for their emancipation.

Chapter 10

CONCLUSIONS

It is a truism to state that as a multi-religious, multicultural, multi-linguistic, plural democracy, India is a truly unique marvel of the 20th century. Never, perhaps, since the birth of nationalism, has there been a nation as astoundingly eclectic and as rich a mosaic as India. When India attained independence, scholars in the West popularized the notion that, in the absence of the unifying iron hand of British rule, India was likely to disintegrate into warring states before long. The British imperialists first gave currency to this notion to underscore their indispensability and to discredit the freedom movement. Fifty years have gone by and India has confounded its critics by disproving their grim prognostications. As a nation, it remains viable and continues to flourish.

Contrary to what the Western media routinely project, Indian democracy is gradually acquiring substance and becoming more and more lively with the participation of the subaltern classes who remained on the periphery till now. The advent of newer political forces and hitherto excluded sections, evidently, has given rise to serious contests about the meaning of Indian democracy. The routine clashes, riots, agitations, debates, and movements betoken the contending visions of the entrenched and emergent forces. Consequently, what is underway is a basic renegotiation of cardinal issues such as nationhood, citizenship, and democracy.

Central to the current redefinition of the old norms is the question of the status and rights of the religious minorities in India. The Hindu nationalist political discourse in India today would have us believe that the country is backward, poor, and does not command respect in the comity of nations because its religious minorities, particularly the Muslims and Christians, are involved in subverting it from within. It criticizes the state for pursuing the policy of secularism which, in the Indian context, stands for equal respect for all religions.

The argument is that the Congress, which was in power for all but five years since independence, 'pampered' the minorities and enabled them to retain their separate identity, all for the sake of earning their electoral support. Thus, the BJP and its allies allege that because the minorities have not assimilated within the Hindu mainstream, they do not see themselves as Indians and have no qualms about acting as fifth columnists on behalf of their co-religionists situated abroad. Hence, India must begin by assimilating all its people within an overarching, homogeneous Hindu identity. Indian nationalism must be recast along the lines of a strong and united Hindu nation-state in which all citizens, regardless of their religious background, consider themselves as Hindus first and foremost. Hindu nationalists argue that such a transformation is the key to the emergence of India as a powerful nation. Needless to add, not everyone accepts the Hindu nationalist panacea for national resurgence. Hence the debate over the contending interpretations of secularism.

In the light of this polemic, I have examined how the postcolonial Indian state has dealt with its religious minorities since independence. I have analyzed both the official and judicial discourses of secularism and the arguments against them. I have also examined the secular track record of successive Congress and non-Congress regimes to find out whether or not they succeeded in implementing and upholding the spirit of secularism. Considering that regardless of party affiliation, all major mainstream parties have faltered in their pledge to honour secularism, I have examined the nature of the state and its socio-economic and political agenda as revealed by the trajectory of development it has pursued since independence. Briefly stated, I have argued that, contrary to the claims of the Hindu nationalists, the debate on secularism has little to do with issues of religion and/or religious identity. It is, in my view, essentially a discourse of power whose primary goal is to thwart the empowerment of the subaltern castes and classes (including the minorities) and ensure that they do not undermine the hegemony of the propertied upper castes/classes. Here is how I have arrived at this conclusion.

Broadly speaking, after India became free, on the question of dealing with the religious minorities, there were three major perspectives. The left wing parties, led by the CPI, advocated that the state should not have anything to do with issues concerning religion and that the latter should remain strictly within the realm of personal choice. But, given the loose organization of Hinduism and the absence of a commonly accepted ecclesiastical order, the state had no alternative but to intervene in its affairs. This precedent, and the fact that Hinduism offered rich material and symbolic rewards to political parties, made the leftist notion of secularism untenable.

The Congress and the centrist parties advocated a policy of equal respect for all religions. It was an accommodationist perspective that sought to include and patronize all the religious communities. In contrast, the Hindu nationalists propounded an exclusivist version of secularism, one that accorded centrality to an essentialized Hindu identity. They argued that Indian secularism should weld the various religious communities within a pan Indian Hindu rubric.

As the Congress was the leading political force and an all India body, its vision of secularism became the official policy. Interestingly, though the Congress and the BJP versions seem diametrically opposite, they share the same assumptions. Both of them anchor their secularism in an idealised, orientalist notion of Hinduism whose supposed characteristics are tolerance and non-violence. Hence, they both argue that India is and can afford to be secular only because Hinduism is tolerant. What naturally follows from this perspective is that because of its innate greatness, a majoritarian, Hinduized version of secularism is most suited for India. Also, that though all religions are equal, Hinduism is more equal than others.

My critique of majoritarian secularism is based on three crucial points. First, the claims of Hindu tolerance and non-violence have no basis in fact as the escalating incidents of intolerance and violence, particularly against the Muslims and the Christians, prove. A more fundamental issue is that these instances of Hindu anger and fanaticism are not passing aberrations but inalienable features of Hinduism. The annihilation of the rich materialist tradition of Lokayata, the iniquitous caste system with its practice of untouchability, and the abysmal status accorded to women and the followers of other religions, all underscore the illiberal character of Hinduism since the earliest times. As such, Hinduism is incompatible with the basic spirit of secularism, and, if the latter is imbued with the vision of the former, then it is conceptually flawed.

Second, the notion of 'Hinduism' is a recent construct of colonial scholarship and the Hindu community that the BJP harps on is no more than an 'imagined religious community.' British indologists who were accustomed to conceiving religion on the lines of the Semitic model, imposed that framework on what was basically a congeries of several faiths ranging from animism to atheism, and called it Hinduism. Since they were heavily influenced by the textual tradition of the upper castes, they posited a Brahmanical version of Hinduism. The Congress, and more particularly, the BJP privileged the Brahmanical version of Hinduism and made it the basis for defining their secularism because it entrenched the superior position of the upper castes and also provided them with a basis to unite the multitude of subaltern castes and the minorities within a broad Hindu framework.

Third, the discourse of secularism arose in the pre-independence period when the Muslims began agitating for a separate homeland based on their religious identity. The Congress proposed secularism to distinguish its politics from the 'communalism' of the Muslim League. More important, it emphasized secularism to assure the minorities that their future would be secure in independent India. Thus, the cornerstones of Indian secularism were eschewing the politics of religion/religious identity and protecting the rights of the minorities. And yet, after India became free, the Congress defined secularism vaguely as 'equal respect for all religions' where the emphasis was more on formal equality than substantive equality. It deliberately did not define secularism in concrete terms or spell out its specific policies toward the minorities. The net result was that, in actual practice, secularism became a travesty of its original intentions inasmuch as it provided room for pursuing Hindu majoritarianism, as political developments since independence prove.

Given the peculiar circumstances under which it emerged, I have proposed that secularism is best understood and defined from a minority perspective. Though it does not lend itself to precise definition, nevertheless, formulated from a minority perspective, secularism would have features whose primary objective would be to safeguard their socio-economic, political, and cultural interests. Because the state ignored this option, secularism--as a concept and as a blueprint for concrete action--is ambiguous to the point of being useless for the minorities.

One of the reasons why the state left secularism ill-defined was because it wanted to institutionalize the concept from a Hindu majoritarian perspective. To accomplish this task and to legitimize its policies, the state has also used the judiciary and its verdicts. Thus, when it suited their politics, the governing elites invoked the violation of secularism to dismiss democratically elected provincial governments and in others, they chose not to act. The *Bommai* case illustrated the problems inherent in operationalizing a concept that is vaguely defined. I also have analyzed some significant cases pertaining to religion and politics to argue that, in most instances, the judiciary has interpreted laws impinging on secularism and minority rights from a Hindu majoritarian perspective. Even in instances where they favour the minorities, its verdicts have attenuated the cause of secularism, as in the *Saifuddin Saheb* case and the anti-cow slaughter case (*Mohd. Hanif Quareshi vs State of Bihar*). Equally disturbing are the instances in which the courts delivered verdicts with the unmistakable desire to assimilate the minorities within the Hindu mainstream, as in the *Shah Bano* and *Sarla Mudgal* cases.

In yet other cases, the courts' judgements have bolstered the forces of Hindu nationalism. Thus, for example, in the recent election petitions against Shiv Sena candidates, where the abuse of religion for political purposes was the issue, the judiciary refused to distinguish between Hinduism and its more intolerant form, 'Hindutva,' and conflated their meanings. Its pronouncements, therefore, virtually endorsed the militant Hindutva of the Shiv Sena and the BJP and conferred respectability on them.

The judiciary acquired wide ranging powers to interpret cases concerning religion mainly because Hinduism lacks not only institutional mechanisms to deal with problems concerning the various sects within but also universally accepted norms and values. The courts have wielded their powers from an overwhelmingly Hindu and an assimilationist perspective for a number of reasons. The majority of the judges, who belong to the upper castes, subscribe to Brahmanical notions of Hinduism. They appear to be convinced that Hinduism and a strong Hindu ethos indeed provide a genuine basis for national integration. The educational policies of the state have insulated them, like most others, from forming a critical opinion of mainstream Hinduism. Even when judges are aware that Hinduism is a homogenizing, monolithic discourse inimical to the interests of the minorities, they tend to refrain from passing subversive verdicts for strategic reasons. They range from caste/class interests to the desire to be on the right side of the establishment in order to qualify for sinecures after retirement. Lately, militant Hindu nationalists have forced some judges to kowtow their line with threat of reprisals, intimidation, and violence.

Despite the fact that the 'equal respect' doctrine of the state and judicial pronouncements about it accord the highest importance to Hinduism and the Hindu identity, as I mentioned earlier, the BJP and its allies have launched a massive propaganda against official secularism denouncing it variously as 'pseudo-secularism' 'minorityism' and so on. They wish to polarize Indian society along rigid communal lines of Hindu and non-Hindu communities in order to hasten the establishment of a Hindu state. Like all nationalist movements that thrive by demonizing the 'other,' Hindu nationalism tries to depict the minorities, particularly, the Muslims and Christians, as ogres who should be subdued. To accomplish their goal, they try to hegemonically privilege Indian history, culture, politics, and religious traditions. One of the ways of attaining this objective is by retrieving from the repertoire of 'Hindu' history, mythical instances of slights to 'Hindu honour' and 'Hindu pride' by Muslim rulers during the medieval period, and mobilizing present day Hindus to 'avenge' such 'historical humiliations.' The immediate provocation for such divisive campaigns, of course, is that the minorities supposedly have exploited the 'secular' policies of the state to further their interests.

I have examined all the allegations of the Hindu nationalists against the minorities, ranging from undue preferential treatment by the government to deliberately resisting the adoption of a uniform civil code, to indulging in secessionism in Kashmir and Punjab. Through concrete evidence, in each instance I have shown that, contrary to the assertions of the Hindu nationalists, the state has systematically discriminated against them and frustrated their empowerment at every stage. In fact, except for marginal benefits like the retention of canonical laws, an ambiguously defined and much abused Article 30 for the protection of their cultural and educational rights, and subsidies for the Haj pilgrimage, the minorities have got nothing concrete from a system ostensibly wedded to secularism.

To further probe the reasonable limits to which successive regimes could have gone to promote the interests of the minorities within the existing limitations, I have closely scrutinized their secular track record in the last fifty years. As the first Prime Minister of India, Pandit Nehru could not have introduced a policy that embodied the minority perspective on secularism, given that the scars of the partition had generated immense communal hatred. But the Nehru administration failed to implement even the limited 'equal respect' doctrine in an efficient manner. True, the Hindu conservatives in the Congress offered stiff opposition to any move that could have helped the minorities. On crucial matters like the status of Urdu and banning cow slaughter, they forced Nehru's hand. But, on the question of bringing the minorities within the ambit of a uniform civil code, Nehru personally refused to 'impose' it on them. Though his intentions seemed unimpeachable, considering that the Hindu nationalists managed to build a politics around this issue, one gets the feeling that he ought to have displayed more acute political clairvoyance and taken a decisive step. His supposed sympathy for the minorities was misplaced and could have arisen from electoral compulsions.

Aside from the obvious instances in which the Nehru regime did not act in the best interests of the minorities, it committed more fundamental lapses which matured into serious problems in the later years. For instance, notwithstanding opposition from conservatives both inside and outside his party, Nehru could have initiated a series of ameliorative measures which would have helped the minorities in the long run and empowered them to withstand the onslaught on their rights. His government did not pay sufficient attention to obliterating the patently communal, anti-minority biases in Indian education. It did not formulate a cultural policy that truly reflected the composite culture of India and gave due prominence to the contributions of the minorities. Nehru's handling of the Kashmir problem, his shabby treatment of Sheikh Abdullah, and his acquiescence in the illegal dismissal of the first communist government in Kerala, all hurt the cause of secularism. More important, neither the Congress nor Nehru, one of its towering figures, ever cared to nurture and provide opportunities for a set of new, progressive leaders from the Muslim community. Not only that, the Nehru regime did not recast politics on professional lines and make it more accessible for people from all communities to participate on their own. All told, few can deny Nehru the credit for introducing secularism. By a similar token, however, none, except, perhaps, his diehard aficionados, will dispute that he could have taken some discreet, non-confrontational, yet far-reaching steps to institutionalize secularism.

The symbolic secularism of the Nehruvian era came under tremendous strain during Indira Gandhi's regime because of the confluence of a multitude of factors. By the mid

1960s, capitalist development experienced its first major crisis in independent India. Nearly two decades of lopsided development had empowered a tiny segment of the subaltern classes who started clamouring for greater access to the resources of the state. The agrarian sector also witnessed the rise of the rich peasantry. They demanded that the state should invest its resources in the long neglected agricultural sector. Natural calamities like droughts and famines that occurred during this period seriously compromised the state's ability to cater to all the sections within the existing framework of the economy. With the Hindu nationalists ever ready to incite people along religious lines, the struggle for resources often took the form of communal conflicts.

From the late 1960s onwards, the polity witnessed a distressing escalation of Hindu-Muslim riots. Mrs. Gandhi's regime neither prevented the occurrence of such clashes nor punished their perpetrators. It also failed to provide succour to the minorities who suffered during these riots. Ideally, the state ought to have concentrated on human development, particularly with respect to the subaltern classes and the minorities, in order to wean them away from communal mobilization and riots. But Mrs. Gandhi's government never paid any serious attention to such basic issues. Instead, it tried to mollify the agitated segments through *ad hoc* measures. Thus, for the rich peasants and the industrial elites, her administration devised the Green Revolution. The poor had to remain content with symbolic measures like the nationalization of banks, a slew of anti-poverty programs, and rhetoric of socialism. These populist measures were no more than ephemeral enticements. They did not create enabling opportunities either for the poor or for the subsistence farmers and landless labourers. Worse, they aggravated the social inequalities in the rural areas. Communal tensions continued unabated. But the state remained stolid.

Throughout the Nehru era, the politics of the Hindu nationalists did not succeed because the Congress enjoyed great legitimacy and its programs and policies provided hopes for the marginalized classes. Under Mrs. Gandhi's stewardship, however, the Congress atrophied considerably, mainly because it had reneged on its promises to the poor. Due to the economic downturn, it also was no longer able to disburse patronage among the contending factions of the broad class coalition it led. To compound its problems, the dictatorial ways of Mrs. Gandhi and her use of the party as an instrument of personal aggrandisement alienated several influential sections and eventually split the party. To dislodge Mrs. Gandhi's Congress, the disafffected segments made common cause with the Hindu nationalists and formed the SVD coalition. Though the SVD governments that ruled in some provinces in the north did not last long, they provided phenomenal legitimacy to the Hindu nationalists. During their brief term in office, the latter infiltrated the bureaucracy and the higher echelons of the administration. Besides, the Hindu nationalists initiated several communal policies that jeopardized Hindu-Muslim ties. The upshot was that the communal crisis worsened considerably during the early 1970s. Through imaginative policies Mrs. Gandhi could have averted the rise of the Hindu nationalists.

In the early 1970s, the economic downturn aggravated considerably. The Indo-Pak war of 1972, the surge in oil prices in 1973, recessionary trends in the industrial sector--these factors aggravated the economic crisis leading to galloping inflation, unemployment, and a recrudescence of social tensions. Around this time, the vocal intermediate agrarian castes joined hands with the discontented minorities and subaltern classes to agitate against the callousness of the administration. Hindu nationalists seized the opportunity by imperceptibly dovetailing popular angst against the system with support for their own political agenda. As lawlessness reached anarchic proportions, Mrs. Gandhi imposed the Emergency hoping that a dose of authoritarianism would quell mass unrest and put the economy back on rails. But, by that time, the economy, the party, and the government had lost their buoyancy. The Emergency only succeeded in conferring martyrdom on the Hindu nationalists and validating their 'democratic' credentials.

The minorities, particularly the Muslims, suffered immensely during the Emergency. Prime Minister Mrs. Gandhi's son, Sanjay Gandhi--an extra constitutional authority--bulldozed their hutments and slums in Delhi to 'beautify' the capital. Acting on his directions, state authorities also compulsorily sterilized hundreds of thousands of Muslims. Many died due to lack of proper post-operation care. The net result of the Emergency was that the Congress lost support of two of its key segments: the minorities and the lower castes. Not surprisingly, it lost the general elections of 1977 and paved the way for the emergence of the Janata Party in which the Hindu nationalists were a dominant force.

During her last term in office, Mrs. Gandhi rewrote the guiding principles of Congress politics. Instead of trying to put back the fractured multi-class/caste coalition that formed its base, she decided to bypass the minorities completely by consolidating the Hindu constituency. Thus began what several scholars have called the 'Hinduization of the Congress.' Mrs. Gandhi openly wooed the Hindu constituency by virtually hijacking the political rhetoric of the Hindu nationalists. She constantly talked about the 'threats to Hindus' from inimical forces, used the paraphernalia of the state to promote patently Hindu causes, and cultivated a variety of Hindu gurus who commanded the allegiance of their lay devotees. She also sought to discredit the popular movements in Punjab and Kashmir for greater autonomy as instances of dangers to Hinduism from within. At the same time, she encouraged fundamentalists within the Sikh community to diminish the legitimacy of the popular movements. These actions deepened the invidiousness between Hindus and the minorities and triggered anti-minority riots in several parts.

When matters in Punjab reached a flashpoint, Mrs. Gandhi ordered the Indian security forces to storm the holy Golden Temple to flush out the terrorists. The desecration of a holy place by the military was an act of unprecedented insensitivity. It completely embittered the Sikhs and eventually led to the assassination of Mrs. Gandhi. All told, in the course of her 17 year tenure, Mrs. Gandhi did not address a single grievance of the minorities in a satisfactory manner. Despite repeatedly promising to settle their longstanding demands, she defaulted on even symbolic issues like recognizing the minority status of the AMU, implementing the recommendations of the Gujral Commission on improving the status of Urdu and so on. By far, the gravest lacuna of her administration was that it completely ignored the recommendations of all the judicial commissions of inquiry that probed communal riots and indicted prominent politicians, trouble makers, and law-enforcement officials. Through its inaction, the system sent out a powerful message that those attacking the minorities had the covert blessings of the state.

In the decade following Mrs. Gandhi's assassination, the Rajiv and Rao administrations scrupulously followed her discriminatory policies regarding the minorities. Prime Minister Rajiv Gandhi's solution to the vexed problem of Hindu-Muslim animosities was to encourage both types of communalisms. He hoped that doing so would earn him the support of both communities. Thus, during his regime, Muslim fundamentalists managed to force the government to nullify the Shah Bano verdict and ban Salman Rushdie's *Satanic Verses*. Hindu nationalists succeeded in getting the gates of the Ram temple in Ayodhya unlocked. Also, Rajputs browbeat the state into looking the other way while they burnt their women in the name of *sati*. With the blessings of the Rajiv administration, the state owned TV telecast Brahmanical versions of the Hindu epics which, in subtle ways, sowed the seeds of a millenarian dream of Hindu hegemony. As for the minorities, their plight worsened due to increased hostilities from the Hindus and the apathy of the state. Besides, the Sikhs lost nearly 3000 of their people in state sponsored terrorism against their community in the aftermath of Mrs. Gandhi's assassination.

Because Rajiv Gandhi had uncorked the genie of Hindu chauvinism, by the time P. V. Narasimha Rao became the Prime Minister, the polity had become totally communalized. With 119 members in the Lok Sabha, the Hindu nationalists were then a major political force. Rao's minority government depended crucially on an assortment of political forces for its survival. It also lacked the political will to combat fundamentalist forces. Personally, Rao was known to be sympathetic to the Hindu nationalist cause. All these factors resulted in the demolition of the Babri mosque on December 6, 1992. During the communal build-up prior to the demolition, at the actual time of the demolition, and during the nation-wide communal riots after the demolition, the state and its law enforcement agencies remained passive. Their lackadaisical attitude, particularly during the anti-Muslim pogrom in Bombay in January, 1993, proved to be the proverbial last straw for the minorities. They lost the little faith they had in the secular commitment of the state. Faced with a government that openly favoured the majority community, some members of the Muslim community resorted to acts of terrorism. In March, 1993 they detonated 13 explosive devices in one day at different spots in Bombay killing nearly 365 people.

An important point to note is that even after the demolition, the Rao administration did not provide relief and justice to the victims. Instead of summarily prosecuting the culprits, it took refuge under toothless legislative measures such as the Constitution (80th) Amendment Bill and the amendments to the Representation of People Act. The loopholes in these legislations reflected the perfunctory commitment of the Congress to secularism.

Except the communists and the Janata Dal, all other mainstream political parties are no different from the Congress with respect to treating the minorities. The short lived Janata Party, for example, tried to rewrite the history curriculum in schools and colleges from the perspective of Hindu nationalism. Similarly, other political parties have not displayed any ebullience to uphold secularism both while in office at the provincial or federal levels or when out of it. A shining exception is the record of the CPI and CPM in Kerala and West Bengal where they are in power. In just two instances, the agrarian based Janata Dal has distinguished itself as the champion of secularism. First, in September 1990, the Janata Dal Prime Minister, V. P. Singh arrested L. K. Advani of the BJP at the height of the Ayodhya movement, after which the BJP withdrew its support to the Singh government. Second, in October, 1990, the Janata Dal Chief Minister of Utter Pradesh, successfully foiled the attempts of Hindu activists to bring down the Babri mosque. Aside from these isolated instances, even the Janata Dal, while in power as the head of the United Front government, did not do much for the minorities.

Altogether, the state and the major political parties are profoundly inimical to the well-being of the minorities. That they do not set much store by secularism is proven by their vague and Hindu majoritarian interpretation of the concept. No government at the federal and provincial levels has striven to empower the minorities and provide them with enduring skills, assets, and entitlements. Furthermore, as I have argued in earlier chapters, they are not committed to even the nominal 'equal respect' doctrine. If, in spite of their aversion to secularism, all political parties outwardly affirm their faith in it, it is only for the sake of electoral mobilization.

The Indian case, thus, offers a challenge to contemporary theories on minority rights. Theorists like Kymlicka, Taylor and others have made monumental contributions to our understanding of the importance of minority rights and their role in nation-building. Kymlicka's emphasis on nurturing the societal culture of the minorities in order to ensure their integration into the national mainstream is indeed valid for promoting social cohesion in India. Likewise, Taylor's thesis about 'recognizing' the minorities and their contributions is equally important. Unfortunately, as the Indian case illustrates, current theories of minority rights offer little clue regarding how they could be institutionalized in regimes that are profoundly opposed to the minorities. More to the point, unlike some states that completely repudiate the validity of minority rights, India pays lip sympathy to the minorities but does virtually nothing to safeguard their interests. Worse, it has spared no effort to institutionalize a majoritarian reading of secularism and minority rights. In other words, it has not only abdicated its responsibilities to the minorities but also effectively blocked all avenues for institutionalizing their inalienable rights, at least in the immediate context. What options do the minorities have in such cases? Where should one begin in the struggle to establish the sacrosanctity of minority rights? Current theories of minority rights, being predicated on the assumption of liberal polities with at least minimal respect and awareness of minority rights, cannot adequately explain or account for the Indian case. There is, thus, an urgent need to extend the theoretical horizons beyond the narrow confines of liberal Western polities and make them applicable to the global context.

To appreciate why the postcolonial state has ignored the interests of the minorities, one has to understand the nature of the state and its agenda. There is no single dominant ruling class with complete control over the state. Instead, the Indian state is constituted of a plurality of classes with conflicting interests. Together, this coalition of dominant proprietary classes wields a powerful influence over the state. It has hegemonized the state and used it for the twin tasks of accumulation and legitimation. The politics of secularism in India must be located in the context of the furtherance of these objectives.

In the early years of independence, the Muslims and other minorities presented no threat to the entrenched hegemony of the propertied classes. With their elites having migrated to Pakistan, Indian Muslims were without able leaders and resources to organize themselves. Being overwhelmingly illiterate and poor, they had no choice other than acquiescing in the promises of secularism. At that time, the industrial elites needed the state to promote capitalist development. The intervention of the state in the economy was not so much to achieve socialist objectives but to provide the infrastructure necessary for capitalist accumulation. The propertied classes, therefore, thrived on the Nehruvian policies of socialism and secularism. These policies obviated the need for a radical transformation of the economy and the polity. Besides, they also ensured compliance from the subaltern classes and the minorities.

Till the late 1970s, the process of capitalist accumulation progressed unhindered, although from the late 1960s, this process became increasingly complicated. By the mid 1970s, however, significant changes taken place in the economy and the polity. In the agrarian sector, a vocal section of middle peasantry emerged and demanded that its interests be accommodated. As nearly 25 years of development had bypassed the minorities and the lower castes, they were no longer in a mood to accept the shibboleths of socialism and secularism. Moreover, repeated instances of communal violence and the state's reluctance to protect their interests made the subaltern classes restless. They were willing to extend their support to some other political formation in order to gain access to power and resources. Together, the dalits, aborigines, minorities, and the middle peasant castes formed a formidable coalition. Having recognized their numerical strength, they began to unitedly assert their rights, a fact that became clear during the prolonged periods of 'lawlessness' and agitations just before the Emergency.

With previously quiescent classes now demanding their legitimate due, the process of capitalist accumulation could not proceed smoothly. Besides, the legitimacy of the state also started eroding as the subaltern classes mounted a massive challenge to the hegemony of the upper caste propertied classes. The state initially tried to neutralize the subaltern challenge through patronage and populism. To sustain such wasteful expenditure, it had to incur huge debts and before long it reached the limits of populism. Without fundamentally transforming the economy, it could not have done anything to win over the subaltern classes. Unfortunately, the state lacked the autonomy for undertaking this task.

Meanwhile, the big bourgeoisie had acquired enough strength by this time and it wanted to enter into profitable alliances with metropolitan capital, more so because domestic surplus accumulation had reached a saturation point. But in the face of the united might of the subaltern classes and the minorities, it could not have pursued its agenda unhindered. What, after all, would they gain by inviting foreign investors to India? Nevertheless, the propertied classes pressured the state to liberalize the economy and allow them to integrate with global capital. Thus, the state was caught between contending forces from both below and above. To realize the agenda of the propertied classes, it needed to break the incipient unity of the subaltern classes and the minorities and formulate an ideology that would legitimize the shift toward globalization.

These imperatives led the state to tacitly encourage Hindu nationalist forces. The dominant proprietary classes also encouraged the Hindu critique of official secularism and the whole Nehruvian legacy. The BJP's discourse of building a 'strong Hindu nation' served the agenda of globalization in more ways than one. One the one hand, it played on popular aspirations for strength and power in the global economy. On the other, by being anchored in a 'Hindu' state and identity, it held the promise of recuperating the cultural authenticity that globalization invariably effaces. Likewise, belittling protectionist policies and economic self-reliance as obstacles to economic regeneration paved the way for the liberalization of the economy.

The most important contribution of the Hindu nationalist discourse is that by portraying the minorities as a threat to Hindu hegemony and well-being, it has disrupted, at least temporarily, the potentially subversive alliance of the subaltern classes and the minorities. The all out attack on the minorities, therefore, is also an indirect attempt to foil the empowerment of the subaltern classes. It seeks to invigorate the hegemony of the entrenched elites and win approval for their attempts to integrate with global capital.

The popular acceptance of the exclusivist Hindu nationalist discourse might seem baffling considering that it is so fundamentally opposed to the interests of the subaltern castes and classes. The BJP and its allies have succeeded in projecting what seems like a credible thesis by tapping the anti-system feelings of the marginalized classes and yoking them with a sanguine vision of Hindu nationalism. Though spectacular, their success does not reflect the diminishing appeal of inclusivist Nehruvian secularism, championed by the Congress and the centrist parties. It is important, however, to note that both discourses are ersatz as they will not protect the rights and freedoms of the minorities. Hence, the political significance of these opposite discourses is that they represent alternative modes of political mobilization. It comes as no surprise, therefore, that both the BJP and the Congress, though at the opposite ends of the ideological spectrum on secularism, enthusiastically espouse economic liberalization and globalization.

Is one to conclude that all talk of secularism is a sham and that the policy has failed completely in India? The Hindu nationalists wish to convince everyone that it has, which is true only to the extent that the official secularism of the state, obviously, has not provided any tangible benefits to the minorities. Under a globalized economy, even the pretence of secularism will be hard to maintain, given that it will inevitably lead to the pauperization of the marginalized classes. And yet secularism has come under severe attack because the very vision it embodies--the empowerment of the minorities and the promotion of their rights--has a subversive potential. And herein lies the hope for the minorities. They can realize the dream of secularism only if they unite with the other deprived sections to dislodge the exploitative elites.

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